



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 15, 2011

## House Amendment 1081

PAG LIN

1 1 Amend House File 260 as follows:  
1 2 #1. By striking everything after the enacting clause  
1 3 and inserting:  
1 4 <Section 1. NEW SECTION. 274.3 Exercise of powers  
1 5 ==== construction.  
1 6 1. The board of directors of a school district  
1 7 shall operate, control, and supervise all public  
1 8 schools located within its district boundaries and may  
1 9 exercise any broad and implied power related to the  
1 10 operation, control, and supervision of those public  
1 11 schools except as expressly prohibited or prescribed by  
1 12 the Constitution of the State of Iowa or by statute.  
1 13 2. Notwithstanding subsection 1, the board of  
1 14 directors of a school district shall not have power to  
1 15 levy any tax unless expressly authorized by the general  
1 16 assembly.  
1 17 3. This chapter, chapter 257 and chapters 275  
1 18 through 301, and other statutes relating to the  
1 19 boards of directors of school districts and to school  
1 20 districts shall be liberally construed to effectuate  
1 21 the purposes of subsection 1.>  
1 22 #2. Title page, by striking lines 1 and 2 and  
1 23 inserting <An Act relating to the exercise, by school  
1 24 districts, of any broad and implied powers except as  
1 25 expressly prohibited or prescribed by the Constitution  
1 26 of the State of Iowa or by statute, and to the  
1 27 construction of statutes related to school district  
1 28 boards and school districts.>

FORRISTALL of Pottawattamie  
HF260.414 (2) 84  
kh/rj



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## House Amendment 1082

PAG LIN

1 1 Amend the amendment, H=1081, to House File 260 as  
1 2 follows:  
1 3 #1. Page 1, after line 16 by inserting:  
1 4 <\_\_\_\_. This section shall not apply to a research  
1 5 and development school as defined in section 256G.2 or  
1 6 to a laboratory school as defined in section 265.1.  
1 7 The board of directors of a school district in which  
1 8 such a research and development school or laboratory  
1 9 school is located shall not exercise over such a school  
1 10 any powers granted to the board by subsection 1.>  
1 11 #2. Page 1, line 28, after <districts> by inserting  
1 12 <, and providing an exception>

HAGENOW of Polk  
H1081.477 (3) 84  
kh/rj



Iowa General Assembly  
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## House Amendment 1083

PAG LIN

1 1 Amend House File 194 as follows:  
1 2 #1. Page 1, by striking line 27 and inserting  
1 3 <dollars but not exceeding two hundred fifty thousand  
1 4 dollars, ~~eight seven~~ and ~~ninety-eight~~ eighteen  
1 5 hundredths>  
1 6 #2. Page 1, before line 29 by inserting:  
1 7 <Sec. \_\_\_\_ . Section 422.5, subsection 1, Code 2011,  
1 8 is amended by adding the following new paragraph:  
1 9 NEW PARAGRAPH. 0j. On all taxable income exceeding  
1 10 two hundred fifty thousand dollars, eight and  
1 11 fifty=three hundredths percent.>  
1 12 #3. Title page, by striking line 1 and inserting <An  
1 13 Act relating to the individual income>  
1 14 #4. By renumbering as necessary.

JACOBY of Johnson

GASKILL of Wapello

KAJTAZOVIC of Black Hawk

KRESSIG of Black Hawk

OLDSON of Polk

PETERSEN of Polk  
HF194.466 (1) 84  
tw/sc



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## House Amendment 1084

PAG LIN

1 1 Amend House File 194 as follows:

1 2 #1. Page 1, before line 1 by inserting:

1 3 <Section 1. Section 298.14, Code 2011, is amended  
1 4 to read as follows:

1 5 298.14 School district income surtaxes.

1 6 1. a. For each fiscal year, the cumulative total  
1 7 of the percents of surtax approved by the board of  
1 8 directors of a school district and collected by the  
1 9 department of revenue under sections 257.21, 257.29,  
1 10 and 298.2, and the enrichment surtax under section  
1 11 442.15, Code 1989, and an income surtax collected by  
1 12 a political subdivision under chapter 422D, shall not  
1 13 exceed twenty percent.

1 14 b. (1) Notwithstanding paragraph "a", a board  
1 15 of directors of a school district shall impose, and  
1 16 the department of revenue shall collect, an enhanced  
1 17 cumulative income surtax amount pursuant to this  
1 18 paragraph "b".

1 19 (2) The enhanced cumulative income surtax shall be  
1 20 in the following amounts for the following years:

1 21 (a) For 2012, for each surtax specified in  
1 22 paragraph "a" that is imposed in 2011 and is still  
1 23 imposed in 2012, the amount shall be one hundred  
1 24 twenty-five percent of the amount generated by each  
1 25 surtax imposed by the school district in 2011.

1 26 (b) For 2013, for each surtax specified in  
1 27 paragraph "a" that is imposed in 2011 and is still  
1 28 imposed in 2013, the amount shall be one hundred  
1 29 fifteen percent of the amount generated by each surtax  
1 30 imposed by the school district in 2011.

1 31 (c) For 2014, for each surtax specified in  
1 32 paragraph "a" that is imposed in 2011 and is still  
1 33 imposed in 2014, the amount shall be one hundred ten  
1 34 percent of the amount generated by each surtax imposed  
1 35 by the school district in 2011.

1 36 (d) For 2015, for each surtax specified in  
1 37 paragraph "a" that is imposed in 2011 and is still  
1 38 imposed in 2015, the amount shall be one hundred five  
1 39 percent of the amount generated by each surtax imposed  
1 40 by the school district in 2011.

1 41 (e) For 2016, for each surtax specified in  
1 42 paragraph "a" that is imposed in 2011 and is still  
1 43 imposed in 2016, the amount shall be the amount  
1 44 generated by each surtax imposed by the school district  
1 45 in 2011.

1 46 (3) This paragraph "b" is repealed on June 30,  
1 47 2016.

1 48 2. A school district income surtax fund is created  
1 49 in the office of treasurer of state. Income surtaxes  
1 50 collected by the department of revenue under sections



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House Amendment 1084 continued

2 1 257.21, 257.29, and 298.2 and section 442.15, Code  
2 2 1989, shall be deposited in the school district income  
2 3 surtax fund to the credit of each school district. A  
2 4 separate accounting of each surtax, by school district,  
2 5 shall be maintained.  
2 6 3. The director of the department of administrative  
2 7 services shall draw warrants in payment of the surtaxes  
2 8 collected in each school district. Warrants shall be  
2 9 payable in two installments to be paid on approximately  
2 10 the first day of December and the first day of  
2 11 February following collection of the taxes and shall be  
2 12 delivered to the respective school districts.>

HELLAND of Polk  
HF194.486 (3) 84  
tw/sc



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House Concurrent Resolution 9 - Introduced

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.

BY ISENHART

1 1 A Concurrent Resolution urging the United States  
1 2 Congress to modernize the Toxic Substances Control  
1 3 Act of 1976.  
1 4 WHEREAS, children and developing fetuses are  
1 5 uniquely vulnerable to the health threats of toxic  
1 6 chemicals and early-life chemical exposures have been  
1 7 linked to chronic disease later in life; and  
1 8 WHEREAS, a growing body of peer-reviewed scientific  
1 9 evidence links exposure to toxic chemicals to many  
1 10 diseases and health conditions that are rising in  
1 11 incidence including childhood cancers, prostate cancer,  
1 12 breast cancer, learning and developmental disabilities,  
1 13 infertility, and obesity; and  
1 14 WHEREAS, the President's Cancer Panel report  
1 15 released in May 2010 stated "the true burden of  
1 16 environmentally induced cancers has been grossly  
1 17 underestimated" and advised the President "to use  
1 18 the power of your office to remove the carcinogens  
1 19 and other toxins from our food, water, and air that  
1 20 needlessly increase health care costs, cripple  
1 21 our nation's productivity, and devastate American  
1 22 lives"; and  
1 23 WHEREAS, workers in a range of industries are  
1 24 exposed to toxic chemicals which pose threats to  
1 25 their health, increasing worker absenteeism, workers'  
1 26 compensation claims, and health care costs that burden  
1 27 the economy; and  
1 28 WHEREAS, a recent national poll found that 78



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House Concurrent Resolution 9 - Introduced continued

2 1 percent of likely American voters were seriously  
2 2 concerned about the threat to children's health from  
2 3 exposure to toxic chemicals in day=to=day life; and  
2 4 WHEREAS, states bear an undue burden from  
2 5 toxic chemicals, including health care costs and  
2 6 environmental damages, disadvantaging businesses that  
2 7 lack information on chemicals in their supply chain and  
2 8 increasing demands for state regulation; and  
2 9 WHEREAS, the primary governing federal statute,  
2 10 the Toxic Substances Control Act of 1976 (TSCA), was  
2 11 intended to authorize the United States Environmental  
2 12 Protection Agency (EPA) to protect public health and  
2 13 the environment from toxic chemicals; and  
2 14 WHEREAS, when TSCA was passed about 62,000  
2 15 chemicals in commerce were grandfathered in without any  
2 16 required testing for health and safety hazards or any  
2 17 restrictions on usage; and  
2 18 WHEREAS, in the 35 years since TSCA passed, the EPA  
2 19 has required chemical companies to test only about 200  
2 20 of those chemicals for health hazards and has issued  
2 21 partial restrictions on only five chemicals; and  
2 22 WHEREAS, TSCA has been widely recognized as  
2 23 ineffective and obsolete due to legal and procedural  
2 24 hurdles that prevent the EPA from taking quick and  
2 25 effective regulatory action to protect the public  
2 26 against well=known chemical threats; and  
2 27 WHEREAS, in January 2009, the United States General  
2 28 Accounting Office added the EPA's regulatory program  
2 29 for assessing and controlling toxic chemicals to its  
2 30 list of high=risk government programs that are not



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House Concurrent Resolution 9 - Introduced continued

3 1 working as intended, finding that the EPA has been  
3 2 unable to complete assessments even of chemicals of  
3 3 highest concern; that the EPA requires additional  
3 4 authority to obtain health and human safety information  
3 5 from the chemical industry and to shift more of the  
3 6 burden to chemical companies to demonstrate the safety  
3 7 of their products; and that the TSCA does not provide  
3 8 sufficient chemical safety data for public use by  
3 9 consumers, businesses, and workers, and fails to create  
3 10 incentives to develop safer alternatives; and  
3 11 WHEREAS, the National Conference of State  
3 12 Legislatures unanimously adopted a resolution in July  
3 13 2009 that articulated principles for TSCA reform and  
3 14 called on Congress to act to update the law; and  
3 15 WHEREAS, ten states have come together to launch  
3 16 the Interstate Chemicals Clearinghouse to coordinate  
3 17 state chemical information management programs, and a  
3 18 coalition of 13 states issued guiding principles for  
3 19 TSCA reform; and  
3 20 WHEREAS, 71 state laws on chemical safety have been  
3 21 enacted and signed into law in 18 states with broad  
3 22 bipartisan support over the last eight years; and  
3 23 WHEREAS, state policy leadership on chemical  
3 24 management, although outstanding, cannot substitute for  
3 25 Congressional leadership to reform TSCA, a reform which  
3 26 all parties agree is urgently needed; and  
3 27 WHEREAS, TSCA is the only major federal  
3 28 environmental statute that has never been updated or  
3 29 reauthorized; and  
3 30 WHEREAS, legislation to substantially reform TSCA





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House Concurrent Resolution 9 - Introduced continued

4 1 was introduced during the 109th Congress in 2005, the  
4 2 110th Congress in 2008, and again in the 111th Congress  
4 3 in 2010; NOW THEREFORE,  
4 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
4 5 THE SENATE CONCURRING, That the Iowa General Assembly  
4 6 encourages the 112th Congress to enact federal  
4 7 legislation to modernize the TSCA to strengthen  
4 8 chemicals management through policy reforms; and  
4 9 BE IT FURTHER RESOLVED, That the policy reforms  
4 10 should require chemical manufacturers to prove  
4 11 that all existing and new chemicals are not harmful  
4 12 to human health, and provide essential health and  
4 13 safety information on chemicals to inform the market,  
4 14 consumers, and general public; and  
4 15 BE IT FURTHER RESOLVED, That the policy reforms  
4 16 should require immediate action to reduce or  
4 17 eliminate the worst chemicals, including persistent,  
4 18 bioaccumulative, and toxic chemicals and other  
4 19 priority toxics to which there is already widespread  
4 20 exposure; and  
4 21 BE IT FURTHER RESOLVED, That the policy reforms  
4 22 should preserve the authority of state and tribal  
4 23 governments to operate chemicals management programs  
4 24 that are more protective than the federal programs; and  
4 25 BE IT FURTHER RESOLVED, That the policy reforms  
4 26 should establish health safety standards for chemicals  
4 27 that rely on the best available science to protect  
4 28 the most vulnerable among us, such as children and  
4 29 developing fetuses; and  
4 30 BE IT FURTHER RESOLVED, That the policy reforms



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House Concurrent Resolution 9 - Introduced continued

5 1 should reward innovation by fast-tracking approval of  
5 2 new, demonstratively safer chemicals, and invest in  
5 3 green chemistry research and workforce development to  
5 4 boost American business and spur jobs making safer  
5 5 alternatives; and  
5 6 BE IT FURTHER RESOLVED, That the policy reforms  
5 7 should promote environmental justice by developing  
5 8 action plans to reduce disproportionate exposure to  
5 9 toxic chemicals in hot spot communities; and  
5 10 BE IT FURTHER RESOLVED, That the Chief Clerk of the  
5 11 House and the Secretary of the Senate shall forward  
5 12 copies of this resolution to all members of Iowa's  
5 13 Congressional delegation.

LSB 1421HH (3) 84

tm/rj



Iowa General Assembly  
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**House File 271 - Introduced**

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 63)

**A BILL FOR**

1 An Act relating to bail restrictions placed on criminal  
2 defendants.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1920HV (1) 84  
jm/nh



Iowa General Assembly  
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House File 271 - Introduced continued

PAG LIN

1 1 Section 1. Section 811.1, subsections 1 and 2, Code 2011,  
1 2 are amended to read as follows:  
1 3 1. A defendant awaiting judgment of conviction and  
1 4 sentencing following either a plea or verdict of guilty of a  
1 5 class "A" felony, ~~murder, forcible felony as defined in section~~  
1 6 ~~702.11, any class "B" felony included in section 462A.14 or~~  
1 7 ~~707.6A; felonious assault; felonious child endangerment; sexual~~  
1 8 ~~abuse in the second degree; sexual abuse in the third degree;~~  
1 9 ~~kidnapping; robbery in the first degree; arson in the first~~  
1 10 ~~degree; burglary in the first degree; any felony included~~  
1 11 ~~in section 124.401, subsection 1, paragraph "a" or "b"; or a~~  
1 12 ~~second or subsequent offense under section 124.401, subsection~~  
1 13 ~~1, paragraph "c"; any felony punishable under section 902.9,~~  
1 14 ~~subsection 1; any public offense committed while detained~~  
1 15 ~~pursuant to section 229A.5; or any public offense committed~~  
1 16 ~~while subject to an order of commitment pursuant to chapter~~  
1 17 ~~229A.~~  
1 18 2. A defendant appealing a conviction of a class "A"  
1 19 felony; ~~murder, forcible felony as defined in section 702.11;~~  
1 20 any class "B" or "C" felony included in section 462A.14 or  
1 21 707.6A; ~~felonious assault; felonious child endangerment; sexual~~  
1 22 ~~abuse in the second degree; sexual abuse in the third degree;~~  
1 23 ~~kidnapping; robbery in the first degree; arson in the first~~  
1 24 ~~degree; burglary in the first degree; any felony included in~~  
1 25 ~~section 124.401, subsection 1, paragraph "a" or "b"; or a second~~  
1 26 ~~or subsequent conviction under section 124.401, subsection~~  
1 27 ~~1, paragraph "c"; any felony punishable under section 902.9,~~  
1 28 ~~subsection 1; any public offense committed while detained~~  
1 29 ~~pursuant to section 229A.5; or any public offense committed~~  
1 30 ~~while subject to an order of commitment pursuant to chapter~~  
1 31 ~~229A.~~

1 32 EXPLANATION

1 33 This bill relates to bail restrictions placed on criminal  
1 34 defendants.

1 35 The bill specifies a defendant awaiting sentencing after a



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House File 271 - Introduced continued

2 1 plea of guilty or a conviction for a forcible felony is not  
2 2 eligible for bail.  
2 3 The bill also specifies a defendant appealing a conviction  
2 4 for a forcible felony is not be eligible for bail.  
2 5 The changes in the bill make a defendant eligible for bail if  
2 6 the defendant was convicted of or appealing a conviction for  
2 7 assault without the intent to cause serious injury but causing  
2 8 serious injury in violation of Code section 708.2(4), willful  
2 9 injury causing bodily injury in violation of Code section  
2 10 708.4(2), sexual abuse between spouses, sexual abuse against a  
2 11 minor 14 or 15 years of age when the defendant is at least four  
2 12 years older than the minor, or child endangerment in violation  
2 13 of Code section 726.6(6).  
2 14 The bill makes a defendant ineligible for bail if the  
2 15 defendant was convicted of or appealing a conviction for  
2 16 robbery in the second degree in violation of Code section  
2 17 711.3.

LSB 1920HV (1) 84

jm/nh



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**House File 272 - Introduced**

HOUSE FILE  
BY MURPHY

**A BILL FOR**

1 An Act requiring the establishment of a collaborative  
2 nurse council in licensed hospitals and licensed nursing  
3 facilities.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1617HH (1) 84  
jr/nh



Iowa General Assembly  
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House File 272 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 135B.35 Collaborative nurse  
1 2 council.  
1 3 1. A hospital shall establish a collaborative nurse council  
1 4 comprised of nonsupervisory staff nurses. The membership of  
1 5 the council must be apportioned between registered nurses,  
1 6 licensed practical nurses, and advanced practice registered  
1 7 nurses based upon the proportion of each type of nonsupervisory  
1 8 nurse licensee to the total of all nonsupervisory nurses  
1 9 employed by the hospital. Each member of the council shall  
1 10 be appointed respectively by other nonsupervisory nurses who  
1 11 have the same license. Each council shall include at least six  
1 12 members, and shall meet at least annually.  
1 13 2. By majority vote, the council may establish its own rules  
1 14 and procedures, and shall set the term of membership.  
1 15 3. The council shall recommend to the hospital appropriate  
1 16 nurse=to=patient ratios based upon patient acuity and other  
1 17 factors as determined by the council. The council may make  
1 18 other recommendations related to providing appropriate direct  
1 19 care to patients. If the council makes a recommendation to  
1 20 the hospital and the hospital does not follow the council's  
1 21 recommendation, it shall provide a written response to  
1 22 the council, indicating the reason for not following the  
1 23 recommendation of the council.  
1 24 Sec. 2. NEW SECTION. 135C.20C Collaborative nurse council.  
1 25 1. A nursing facility shall establish a collaborative  
1 26 nurse council comprised of nonsupervisory staff nurses.  
1 27 The membership of the council must be apportioned between  
1 28 registered nurses, licensed practical nurses, and advanced  
1 29 practice registered nurses based upon the proportion of  
1 30 each type of nonsupervisory nurse licensee to the total of  
1 31 all nonsupervisory nurses employed by the facility. Each  
1 32 member of the council shall be appointed respectively by  
1 33 other nonsupervisory nurses who have the same license. When  
1 34 possible, each council shall include at least six members, and  
1 35 shall meet at least annually.



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House File 272 - Introduced continued

2 1 2. By majority vote, the council may establish its own rules  
2 2 and procedures, and shall set the term of membership.  
2 3 3. The council shall recommend to the facility appropriate  
2 4 nurse=to=patient ratios based upon patient acuity and other  
2 5 factors as determined by the council. The council may make  
2 6 other recommendations related to providing appropriate direct  
2 7 care to patients. If the council makes a recommendation to  
2 8 the facility and the facility does not follow the council's  
2 9 recommendation, it shall provide a written response to  
2 10 the council, indicating the reason for not following the  
2 11 recommendation of the council.

2 12 EXPLANATION

2 13 This bill requires that each hospital and nursing facility  
2 14 establish a collaborative nurse council comprised of  
2 15 nonsupervisory staff nurses. Each member of the council shall  
2 16 be appointed respectively by other nonsupervisory nurses who  
2 17 have the same type of license.

2 18 The council shall recommend to the hospital or nursing  
2 19 facility appropriate nurse=to=patient ratios based upon patient  
2 20 acuity and other factors as determined by the council. The  
2 21 council may make other recommendations related to providing  
2 22 appropriate direct care to patients.

LSB 1617HH (1) 84

jr/nh





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**House File 273 - Introduced**

HOUSE FILE  
BY HAGENOW

**A BILL FOR**

1 An Act relating to the renewal of a license to practice  
2 dietetics.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2409HH (2) 84  
jr/nh



Iowa General Assembly  
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House File 273 - Introduced continued

PAG LIN

1 1 Section 1. Section 152A.2, subsection 2, Code 2011, is  
1 2 amended to read as follows:

1 3 2. Renewal of a license granted under this chapter shall not  
1 4 be approved unless the applicant has satisfactorily completed  
1 5 the continuing education requirements for the license as  
1 6 prescribed by ~~the board~~ this section.

1 7 a. Licensees shall maintain a registration status through  
1 8 the commission on dietetic registration. The renewal of a  
1 9 license under this chapter shall coincide with the period for  
1 10 registration through the commission.

1 11 b. The requirements for continuing education may be met by  
1 12 completing the continuing professional education requirements  
1 13 of the commission on dietetic registration.

1 14 EXPLANATION

1 15 This bill provides that the renewal of a license to practice  
1 16 dietetics shall coincide with the period for registration  
1 17 through the commission on dietetic registration. The bill  
1 18 requires that licensees also maintain registration status  
1 19 through the commission.

LSB 2409HH (2) 84

jr/nh



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## House File 274 - Introduced

HOUSE FILE  
BY VAN ENGELNHOVEN

### A BILL FOR

1 An Act relating to smoking prohibitions for certain locations  
2 providing health-related services, and making penalties  
3 applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2320YH (2) 84  
pf/rj



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House File 274 - Introduced continued

PAG LIN

1 1 Section 1. Section 142D.3, subsection 2, Code 2011, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. f. Within one hundred feet of any entrance  
1 4 to an organized outpatient health facility or outpatient  
1 5 surgical facility as defined in section 135.61, a hospital as  
1 6 defined in section 135B.1, or a long-term care facility.

1 7 EXPLANATION

1 8 This bill prohibits smoking within 100 feet of any entrance  
1 9 to an organized outpatient health facility or outpatient  
1 10 surgical facility, a hospital, or a long-term care facility.  
1 11 Existing penalties which include monetary penalties, penalties  
1 12 applicable to a public nuisance, and license sanctions apply to  
1 13 violations of the bill.

LSB 2320YH (2) 84

pf/rj



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## House File 275 - Introduced

HOUSE FILE  
BY MURPHY

### A BILL FOR

1 An Act relating to the compulsory school attendance age,  
2 a driver's license penalty for failure to attend, and  
3 school district dropout prevention measures, and including  
4 effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1567HH (10) 84  
kh/rj



Iowa General Assembly  
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House File 275 - Introduced continued

PAG LIN

1 1 Section 1. Section 299.1A, Code 2011, is amended to read as  
1 2 follows:

1 3 299.1A Compulsory attendance age.

1 4 A child who has reached the age of six and is under ~~sixteen~~  
1 5 ~~sixteen~~ eighteen years of age by September 15 is of compulsory  
1 6 attendance age. However, if a child enrolled in a school  
1 7 district or accredited nonpublic school reaches the age of  
1 8 ~~sixteen~~ eighteen on or after September 15, the child remains of  
1 9 compulsory age until the end of the regular school calendar.

1 10 Sec. 2. Section 299.1B, Code 2011, is amended to read as  
1 11 follows:

1 12 299.1B Failure to attend === driver's license.

1 13 A person who is of compulsory attendance age, is not exempt  
1 14 under section 299.2, and does not attend a public school, an  
1 15 accredited nonpublic school, competent private instruction in  
1 16 accordance with the provisions of chapter 299A, an alternative  
1 17 school, or adult education classes shall not receive an  
1 18 intermediate or full driver's license until age eighteen. If  
1 19 the person reaches the age of eighteen on or after September  
1 20 15, the person shall not receive a restricted or a full  
1 21 driver's license until the end of the regular school calendar.

1 22 Sec. 3. NEW SECTION. 299.14 School district dropout  
1 23 prevention measures.

1 24 1. The board of directors of each school district shall  
1 25 take every opportunity to prevent students from dropping out of  
1 26 school. Actions which a school district may take to prevent  
1 27 students from dropping out of school include but are not  
1 28 limited to general education interventions, alternative program  
1 29 placement, alternative school placement, provision of support  
1 30 and supplemental services, individual and family intervention  
1 31 or therapy, truancy mediation, and coordination with other  
1 32 student support services.

1 33 2. The board of directors of each school district shall make  
1 34 every effort to align and maximize funding streams that may be  
1 35 used to support students who have the potential to drop out of



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House File 275 - Introduced continued

2 1 school.

2 2 Sec. 4. Section 299A.8, Code 2011, is amended to read as  
2 3 follows:

2 4 299A.8 Dual enrollment.

2 5 If a parent, guardian, or legal custodian of a child who is  
2 6 receiving competent private instruction under this chapter ~~or a~~  
~~2 7 child over compulsory age who is receiving private instruction~~  
2 8 submits a request, the child shall also be registered in a  
2 9 public school for dual enrollment purposes. If the child  
2 10 is enrolled in a public school district for dual enrollment  
2 11 purposes, the child shall be permitted to participate in any  
2 12 academic activities in the district and shall also be permitted  
2 13 to participate on the same basis as public school children in  
2 14 any extracurricular activities available to children in the  
2 15 child's grade or group, and the parent, guardian, or legal  
2 16 custodian shall not be required to pay the costs of any annual  
2 17 evaluation under this chapter. If the child is enrolled for  
2 18 dual enrollment purposes, the child shall be included in the  
2 19 public school's basic enrollment under section 257.6. A pupil  
2 20 who is participating only in extracurricular activities shall  
2 21 be counted under section 257.6, subsection 1, paragraph "a",  
2 22 subparagraph (6). A pupil enrolled in grades nine through  
2 23 twelve under this section shall be counted in the same manner  
2 24 as a shared-time pupil under section 257.6, subsection 1,  
2 25 paragraph "a", subparagraph (3).

2 26 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance  
2 27 with section 25B.2, subsection 3, the state cost of requiring  
2 28 compliance with any state mandate included in this Act shall  
2 29 be paid by a school district from state school foundation aid  
2 30 received by the school district under section 257.16. This  
2 31 specification of the payment of the state cost shall be deemed  
2 32 to meet all the state funding-related requirements of section  
2 33 25B.2, subsection 3, and no additional state funding shall  
2 34 be necessary for the full implementation of this Act by and  
2 35 enforcement of this Act against all affected school districts.



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House File 275 - Introduced continued

3 1 Sec. 6. EFFECTIVE DATE. This Act takes effect July 1, 2012.

3	2	EXPLANATION
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3 3 This bill raises the compulsory school attendance age from  
3 4 16 to 18. The bill requires each school district to make every  
3 5 effort to prevent students from dropping out of school, and to  
3 6 align and maximize funding streams that may be used to support  
3 7 students who have the potential to drop out of school.

3 8 The bill makes a corresponding change to Code section 299.1B  
3 9 to provide that a person who reaches age 18 after September 15  
3 10 is ineligible for a restricted or full license until the end  
3 11 of the regular school calendar.

3 12 The bill includes technical amendments to eliminate a  
3 13 reference to the compulsory attendance age for purposes of dual  
3 14 enrollment.

3 15 The bill may include a state mandate as defined in Code  
3 16 section 25B.3. The bill requires that the state cost of  
3 17 any state mandate included in the bill be paid by a school  
3 18 district from state school foundation aid received by the  
3 19 school district under Code section 257.16. The specification  
3 20 is deemed to constitute state compliance with any state mandate  
3 21 funding-related requirements of Code section 25B.2. The  
3 22 inclusion of this specification is intended to reinstate the  
3 23 requirement of political subdivisions to comply with any state  
3 24 mandates included in the bill.

3 25      The bill takes effect July 1, 2012.

LSB 1567HH (10) 84

kh/rj





Iowa General Assembly  
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## House File 276 - Introduced

HOUSE FILE

BY KRESSIG, T. OLSON,  
ISENHART, LENSING,  
PETERSEN, HUNTER,  
HALL, T. TAYLOR,  
JACOBY, MASCHER, M.  
SMITH, STECKMAN,  
WOLFE, KAJTAZOVIC,  
THOMAS, MURPHY, LYKAM,  
WENTHE, ABDUL=SAMAD,  
KELLEY, GASKILL,  
KEARNS, OLDSON,  
WESSEL=KROESCHELL, and  
WINCKLER

(COMPANION TO SF 96 BY  
BOLKCOM)

**A BILL FOR**

1 An Act concerning requirements for motor vehicle operators  
2 when overtaking and passing a bicycle, and making penalties  
3 applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1885YH (3) 84  
dea/nh



**Iowa General Assembly**  
**Daily Bills, Amendments & Study Bills**  
**February 15, 2011**

House File 276 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.299, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 3. The driver of a vehicle overtaking a  
1 4 bicycle proceeding in the same direction shall use an adjacent  
1 5 travel lane to pass and shall maintain a distance of not less  
1 6 than three feet between the right side of the driver's vehicle,  
1 7 including all mirrors or other projections, and the left side  
1 8 of the bicyclist. This subsection does not apply to implements  
1 9 of husbandry.

1 10 EXPLANATION

1 11 This bill requires the driver of a vehicle to use an  
1 12 adjacent travel lane when passing a bicycle proceeding in the  
1 13 same direction. In addition, the driver of the vehicle must  
1 14 maintain a distance of not less than three feet between the  
1 15 right side of the driver's vehicle, including all mirrors or  
1 16 other projections, and the left side of the bicyclist. The  
1 17 requirements do not apply to implements of husbandry.

1 18 The provisions of the bill are in addition to current law,  
1 19 applicable to both vehicles and bicycles, which requires a  
1 20 vehicle to pass to the left of the other vehicle at a safe  
1 21 distance and not return to the right side of the roadway until  
1 22 safely clear of the overtaken vehicle. The vehicle being  
1 23 passed is required to give way to the right in favor of the  
1 24 overtaking vehicle and not increase speed until completely  
1 25 passed by the overtaking vehicle. Exceptions apply in specific  
1 26 situations when passing on the right is permitted.

1 27 Pursuant to current law, a violation of requirements  
1 28 relating to overtaking and passing is a simple misdemeanor  
1 29 punishable by a scheduled fine of \$100. If a violation causes  
1 30 serious injury, the driver may be subject to an additional fine  
1 31 of \$500 or driver's license suspension for up to 90 days, or  
1 32 both. For a violation causing death, the driver may be subject  
1 33 to an additional fine of \$1,000 or license suspension for up to  
1 34 180 days, or both.

LSB 1885YH (3) 84

dea/nh



Iowa General Assembly  
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**House File 277 - Introduced**

HOUSE FILE

BY HANUSA, CHAMBERS,  
HUSEMAN, IVERSON,  
RUNNING=MARQUARDT,  
ALONS, BRANDENBURG,  
PEARSON, COWNIE,  
L. MILLER, SCHULTE,  
J. TAYLOR, SWEENEY, M.  
SMITH, WITTNEBEN,  
MUHLBAUER, GRASSLEY,  
KOESTER, MASSIE,  
DRAKE, HAGER, HELLAND,  
PAUSTIAN, WORTHAN,  
SCHULTZ, SHAW, LUKAN,  
THOMAS, HEDDENS,  
JACOBY, RAYHONS,  
VANDER LINDEN,  
LOFGREN, J. SMITH,  
FORRISTALL, DEYOE,  
WILLEMS, KEARNS,  
HORBACH, KLEIN,  
WINDSCHITL, DE BOEF,  
HEIN, BALTIMORE,  
BYRNES, RASMUSSEN,  
SODERBERG,  
VAN ENGELHOFEN,  
ARNOLD, WAGNER,  
HANSON, UPMEYER,  
GARRETT, STECKMAN,  
BAUDLER, ROGERS,  
HAGENOW, RAECKER,  
HEATON, GASKILL, and  
PAULSEN

**A BILL FOR**

- 1 An Act relating to the Iowa civil rights Act and discrimination
- 2 based upon a person's status as a veteran.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2280YH (7) 84  
rh/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 277 - Introduced continued

PAG LIN

1 1 Section 1. Section 216.2, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 16. "Veteran" means the same as defined in  
1 4 section 35.1.  
1 5 Sec. 2. Section 216.5, subsections 6 and 8, Code 2011, are  
1 6 amended to read as follows:  
1 7 6. To issue such publications and reports of investigations  
1 8 and research as in the judgment of the commission shall tend  
1 9 to promote goodwill among the various racial, religious, and  
1 10 ethnic groups of the state and which shall tend to minimize or  
1 11 eliminate discrimination in public accommodations, employment,  
1 12 apprenticeship and on=the=job training programs, vocational  
1 13 schools, or housing because of race, creed, color, sex, sexual  
1 14 orientation, gender identity, national origin, religion,  
1 15 ancestry, ~~or~~ disability, or veteran status.  
1 16 8. To make recommendations to the general assembly for  
1 17 such further legislation concerning discrimination because of  
1 18 race, creed, color, sex, sexual orientation, gender identity,  
1 19 national origin, religion, ancestry, ~~or~~ disability, or veteran  
1 20 status as it may deem necessary and desirable.  
1 21 Sec. 3. Section 216.6, subsection 1, paragraphs a through c,  
1 22 Code 2011, are amended to read as follows:  
1 23 a. Person to refuse to hire, accept, register, classify,  
1 24 or refer for employment, to discharge any employee, or to  
1 25 otherwise discriminate in employment against any applicant for  
1 26 employment or any employee because of the age, race, creed,  
1 27 color, sex, sexual orientation, gender identity, national  
1 28 origin, religion, ~~or~~ disability, or veteran status of such  
1 29 applicant or employee, unless based upon the nature of the  
1 30 occupation. If a person with a disability is qualified to  
1 31 perform a particular occupation, by reason of training or  
1 32 experience, the nature of that occupation shall not be the  
1 33 basis for exception to the unfair or discriminating practices  
1 34 prohibited by this subsection.  
1 35 b. Labor organization or the employees, agents, or members



Iowa General Assembly  
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House File 277 - Introduced continued

2 1 thereof to refuse to admit to membership any applicant, to  
2 2 expel any member, or to otherwise discriminate against any  
2 3 applicant for membership or any member in the privileges,  
2 4 rights, or benefits of such membership because of the age,  
2 5 race, creed, color, sex, sexual orientation, gender identity,  
2 6 national origin, religion, ~~or~~ disability, or veteran status of  
2 7 such applicant or member.

2 8 c. Employer, employment agency, labor organization, or the  
2 9 employees, agents, or members thereof to directly or indirectly  
2 10 advertise or in any other manner indicate or publicize that  
2 11 individuals of any particular age, race, creed, color, sex,  
2 12 sexual orientation, gender identity, national origin, religion,  
2 13 ~~or~~ disability, or veteran status are unwelcome, objectionable,  
2 14 not acceptable, or not solicited for employment or membership  
2 15 unless based on the nature of the occupation.

2 16 (1) If a person with a disability is qualified to perform a  
2 17 particular occupation by reason of training or experience, the  
2 18 nature of that occupation shall not be the basis for exception  
2 19 to the unfair or discriminating practices prohibited by this  
2 20 subsection.

2 21 (2) An employer, employment agency, or their employees,  
2 22 servants, or agents may offer employment or advertise for  
2 23 employment to only persons with disabilities, when other  
2 24 applicants have available to them other employment compatible  
2 25 with their ability which would not be available to persons  
2 26 with disabilities because of their disabilities. Any such  
2 27 employment or offer of employment shall not discriminate among  
2 28 persons with disabilities on the basis of race, color, creed,  
2 29 sex, sexual orientation, gender identity, ~~or~~ national origin,  
2 30 or veteran status.

2 31 Sec. 4. Section 216.6A, subsection 1, paragraph a,  
2 32 unnumbered paragraph 1, Code 2011, is amended to read as  
2 33 follows:

2 34 The general assembly finds that the practice of  
2 35 discriminating against any employee because of the age,



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House File 277 - Introduced continued

3 1 race, creed, color, sex, sexual orientation, gender identity,  
3 2 national origin, religion, ~~or~~ disability, or veteran status  
3 3 of such employee by paying wages to such employee at a rate  
3 4 less than the rate paid to other employees does all of the  
3 5 following:

3 6 Sec. 5. Section 216.6A, subsection 1, paragraph b, Code  
3 7 2011, is amended to read as follows:

3 8 b. The general assembly declares that it is the policy  
3 9 of this state to correct and, as rapidly as possible, to  
3 10 eliminate, discriminatory wage practices based on age, race,  
3 11 creed, color, sex, sexual orientation, gender identity,  
3 12 national origin, religion, ~~and~~ disability, and veteran status.

3 13 Sec. 6. Section 216.6A, subsection 2, paragraph a, Code  
3 14 2011, is amended to read as follows:

3 15 a. It shall be an unfair or discriminatory practice for any  
3 16 employer or agent of any employer to discriminate against any  
3 17 employee because of the age, race, creed, color, sex, sexual  
3 18 orientation, gender identity, national origin, religion, ~~or~~  
3 19 disability, or veteran status of such employee by paying wages  
3 20 to such employee at a rate less than the rate paid to other  
3 21 employees who are employed within the same establishment for  
3 22 equal work on jobs, the performance of which requires equal  
3 23 skill, effort, and responsibility, and which are performed  
3 24 under similar working conditions. An employer or agent of an  
3 25 employer who is paying wages to an employee at a rate less than  
3 26 the rate paid to other employees in violation of this section  
3 27 shall not remedy the violation by reducing the wage rate of any  
3 28 employee.

3 29 Sec. 7. Section 216.6A, subsection 3, paragraph d, Code  
3 30 2011, is amended to read as follows:

3 31 d. Pay differential is based on any other factor other than  
3 32 the age, race, creed, color, sex, sexual orientation, gender  
3 33 identity, national origin, religion, ~~or~~ disability, or veteran  
3 34 status of such employee.

3 35 Sec. 8. Section 216.7, subsection 1, paragraphs a and b,



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House File 277 - Introduced continued

4 1 Code 2011, are amended to read as follows:

4 2 a. To refuse or deny to any person because of race, creed,  
4 3 color, sex, sexual orientation, gender identity, national  
4 4 origin, religion, ~~or~~ disability, or veteran status the  
4 5 accommodations, advantages, facilities, services, or privileges  
4 6 thereof, or otherwise to discriminate against any person  
4 7 because of race, creed, color, sex, sexual orientation, gender  
4 8 identity, national origin, religion, ~~or~~ disability, or veteran  
4 9 status in the furnishing of such accommodations, advantages,  
4 10 facilities, services, or privileges.

4 11 b. To directly or indirectly advertise or in any other  
4 12 manner indicate or publicize that the patronage of persons of  
4 13 any particular race, creed, color, sex, sexual orientation,  
4 14 gender identity, national origin, religion, ~~or~~ disability, or  
4 15 veteran status is unwelcome, objectionable, not acceptable, or  
4 16 not solicited.

4 17 Sec. 9. Section 216.8, subsection 1, paragraphs a through d,  
4 18 Code 2011, are amended to read as follows:

4 19 a. To refuse to sell, rent, lease, assign, sublease, refuse  
4 20 to negotiate, or to otherwise make unavailable, or deny any  
4 21 real property or housing accommodation or part, portion, or  
4 22 interest therein, to any person because of the race, color,  
4 23 creed, sex, sexual orientation, gender identity, religion,  
4 24 national origin, disability, veteran status, or familial status  
4 25 of such person.

4 26 b. To discriminate against any person because of the  
4 27 person's race, color, creed, sex, sexual orientation, gender  
4 28 identity, religion, national origin, disability, veteran  
4 29 status, or familial status, in the terms, conditions,  
4 30 or privileges of the sale, rental, lease assignment, or  
4 31 sublease of any real property or housing accommodation or any  
4 32 part, portion, or interest in the real property or housing  
4 33 accommodation or in the provision of services or facilities in  
4 34 connection with the real property or housing accommodation.

4 35 c. To directly or indirectly advertise, or in any other



Iowa General Assembly  
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House File 277 - Introduced continued

5 1 manner indicate or publicize that the purchase, rental,  
5 2 lease, assignment, or sublease of any real property or housing  
5 3 accommodation or any part, portion, or interest therein, by  
5 4 persons of any particular race, color, creed, sex, sexual  
5 5 orientation, gender identity, religion, national origin,  
5 6 disability, veteran status, or familial status is unwelcome,  
5 7 objectionable, not acceptable, or not solicited.  
5 8 d. To discriminate against the lessee or purchaser of any  
5 9 real property or housing accommodation or part, portion, or  
5 10 interest of the real property or housing accommodation, or  
5 11 against any prospective lessee or purchaser of the property or  
5 12 accommodation, because of the race, color, creed, religion,  
5 13 sex, sexual orientation, gender identity, disability, age, ~~or~~  
5 14 national origin, or veteran status of persons who may from time  
5 15 to time be present in or on the lessee's or owner's premises  
5 16 for lawful purposes at the invitation of the lessee or owner  
5 17 as friends, guests, visitors, relatives, or in any similar  
5 18 capacity.  
5 19 Sec. 10. Section 216.8A, subsections 1 and 2, Code 2011, are  
5 20 amended to read as follows:  
5 21 1. A person shall not induce or attempt to induce another  
5 22 person to sell or rent a dwelling by representations regarding  
5 23 the entry or prospective entry into a neighborhood of a person  
5 24 of a particular race, color, creed, sex, sexual orientation,  
5 25 gender identity, religion, national origin, disability, veteran  
5 26 status, or familial status.  
5 27 2. A person shall not represent to a person of a particular  
5 28 race, color, creed, sex, sexual orientation, gender identity,  
5 29 religion, national origin, disability, veteran status,  
5 30 or familial status that a dwelling is not available for  
5 31 inspection, sale, or rental when the dwelling is available for  
5 32 inspection, sale, or rental.  
5 33 Sec. 11. Section 216.8A, subsection 4, paragraph a, Code  
5 34 2011, is amended to read as follows:  
5 35 a. A person whose business includes engaging in residential





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House File 277 - Introduced continued

6 1 real estate related transactions shall not discriminate  
6 2 against a person in making a residential real estate  
6 3 related transaction available or in terms or conditions of  
6 4 a residential real estate related transaction because of  
6 5 race, color, creed, sex, sexual orientation, gender identity,  
6 6 religion, national origin, disability, veteran status, or  
6 7 familial status.  
6 8     Sec. 12. Section 216.8A, subsection 5, Code 2011, is amended  
6 9 to read as follows:  
6 10     5. A person shall not deny another person access to,  
6 11 or membership or participation in, a multiple=listing  
6 12 service, real estate brokers' organization or other service,  
6 13 organization, or facility relating to the business of selling  
6 14 or renting dwellings, or discriminate against a person in  
6 15 terms or conditions of access, membership, or participation in  
6 16 such organization because of race, color, creed, sex, sexual  
6 17 orientation, gender identity, religion, national origin,  
6 18 disability, veteran status, or familial status.  
6 19     Sec. 13. Section 216.9, subsection 1, unnumbered paragraph  
6 20 1, Code 2011, is amended to read as follows:  
6 21     It is an unfair or discriminatory practice for any  
6 22 educational institution to discriminate on the basis of  
6 23 race, creed, color, sex, sexual orientation, gender identity,  
6 24 national origin, religion, ~~or~~ disability, or veteran status in  
6 25 any program or activity. Such discriminatory practices shall  
6 26 include but not be limited to the following practices:  
6 27     Sec. 14. Section 216.10, subsection 1, paragraphs a through  
6 28 c, Code 2011, are amended to read as follows:  
6 29     a. Creditor to refuse to enter into a consumer credit  
6 30 transaction or impose finance charges or other terms or  
6 31 conditions more onerous than those regularly extended by that  
6 32 creditor to consumers of similar economic backgrounds because  
6 33 of age, color, creed, national origin, race, religion, marital  
6 34 status, sex, sexual orientation, gender identity, physical  
6 35 disability, veteran status, or familial status.



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House File 277 - Introduced continued

7 1 b. Person authorized or licensed to do business in this  
7 2 state pursuant to chapter 524, 533, 534, 536, or 536A to refuse  
7 3 to loan or extend credit or to impose terms or conditions  
7 4 more onerous than those regularly extended to persons of  
7 5 similar economic backgrounds because of age, color, creed,  
7 6 national origin, race, religion, marital status, sex, sexual  
7 7 orientation, gender identity, physical disability, veteran  
7 8 status, or familial status.

7 9 c. Creditor to refuse to offer credit life or health and  
7 10 accident insurance because of color, creed, national origin,  
7 11 race, religion, marital status, age, physical disability,  
7 12 sex, sexual orientation, gender identity, veteran status,  
7 13 or familial status. Refusal by a creditor to offer credit  
7 14 life or health and accident insurance based upon the age or  
7 15 physical disability of the consumer shall not be an unfair or  
7 16 discriminatory practice if such denial is based solely upon  
7 17 bona fide underwriting considerations not prohibited by Title  
7 18 XIII, subtitle 1.

7 19 Sec. 15. Section 216.12A, Code 2011, is amended to read as  
7 20 follows:

7 21 216.12A Additional housing exception.  
7 22 Sections 216.8 and 216.8A do not prohibit a person engaged  
7 23 in the business of furnishing appraisals of real estate from  
7 24 taking into consideration factors other than race, color,  
7 25 creed, sex, sexual orientation, gender identity, religion,  
7 26 national origin, disability, veteran status, or familial status  
7 27 in appraising real estate.

7 28 EXPLANATION

7 29 The bill prohibits discrimination in employment, wages,  
7 30 public accommodations, housing, education, and credit practices  
7 31 based upon a person's status as a veteran. "Veteran" means  
7 32 the same as defined in Code section 35.1, which includes the  
7 33 requirement that the person defined as a veteran be a resident  
7 34 of this state.

7 35 A person who claims to be aggrieved by an unfair or



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House File 277 - Introduced continued

8 1 discriminatory practice under Code chapter 216 (Iowa's civil  
8 2 rights Act) may file a complaint with the Iowa civil rights  
8 3 commission. If the commission determines a respondent has  
8 4 violated the civil rights Act, the commission has the authority  
8 5 to order certain relief including back pay and interest, actual  
8 6 expenses, an order to cease discriminatory practices, damages  
8 7 based on emotional distress, and reasonable attorney fees.

LSB 2280YH (7) 84

rh/nh



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**House File 278 - Introduced**

HOUSE FILE  
BY COMMITTEE ON PUBLIC  
SAFETY

(SUCCESSOR TO HSB 60)

**A BILL FOR**

1 An Act relating to eluding or attempting to elude a marked law  
2 enforcement vehicle, and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2201HV (1) 84  
jm/nh



Iowa General Assembly  
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House File 278 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.279, subsection 2, Code 2011, is  
1 2 amended to read as follows:

1 3 2. a. The driver of a motor vehicle commits an aggravated  
1 4 misdemeanor if the driver willfully fails to bring the motor  
1 5 vehicle to a stop or otherwise eludes or attempts to elude a  
1 6 marked official law enforcement vehicle that is driven by a  
1 7 uniformed peace officer after being given a visual and audible  
1 8 signal as provided in this section and in doing so exceeds the  
1 9 speed limit by twenty-five miles per hour or more.

1 10 b. The driver of a motor vehicle commits an aggravated  
1 11 misdemeanor if the driver willfully fails to bring the motor  
1 12 vehicle to a stop or otherwise eludes or attempts to elude a  
1 13 marked official law enforcement vehicle that is driven by a  
1 14 uniformed peace officer after being given a visual and audible  
1 15 signal as provided in this section and in doing so endangers  
1 16 the safety or property of another driver of a motor vehicle,  
1 17 pedestrian, bicyclist, or real property owner or lessee, other  
1 18 than a peace officer acting within the official capacity of the  
1 19 officer.

1 20 EXPLANATION

1 21 This bill relates to eluding or attempting to elude a marked  
1 22 law enforcement vehicle.

1 23 The bill provides that a driver of a motor vehicle commits an  
1 24 aggravated misdemeanor if the driver willfully fails to bring  
1 25 the motor vehicle to a stop or otherwise eludes or attempts to  
1 26 elude a marked official law enforcement vehicle that is driven  
1 27 by a uniformed peace officer after being given a visual and  
1 28 audible signal and in doing so endangers the safety or property  
1 29 of another driver of a motor vehicle, pedestrian, bicyclist,  
1 30 or real property owner or lessee, other than a peace officer  
1 31 acting within the official capacity of the officer.

1 32 An aggravated misdemeanor is punishable by confinement for  
1 33 no more than two years and a fine of at least \$625 but not more  
1 34 than \$6,250.

LSB 2201HV (1) 84

jm/nh



Iowa General Assembly  
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**House File 279 - Introduced**

HOUSE FILE  
BY HALL

**A BILL FOR**

1 An Act relating to the appointment of clerks of the district  
2 court.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2106HH (5) 84  
jm/rj



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
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House File 279 - Introduced continued

PAG LIN

1 1 Section 1. Section 602.1215, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. Subject to the provisions of section 602.1209,  
1 4 subsection 3, the ~~district judges of each~~ chief judge of  
1 5 the judicial ~~election~~ district, after consultation with the  
1 6 district judges of the district, shall ~~by majority vote~~ appoint  
1 7 persons to serve as clerks of the district court within the  
1 8 judicial ~~election~~ district. The ~~district judges of a judicial~~  
1 9 ~~election district~~ chief judge may appoint a person to serve  
1 10 as clerk of the district court for more than one but not more  
1 11 than four contiguous counties in the same judicial district.  
1 12 A person does not qualify for appointment to the office of  
1 13 clerk of the district court unless the person is at the time of  
1 14 application a resident of the state. A clerk of the district  
1 15 court may be removed from office for cause by ~~a majority vote~~  
1 16 ~~of the district judges of the chief judge of the judicial~~  
1 17 ~~election~~ district. ~~Before~~ Prior to removal, the clerk of the  
1 18 district court shall be notified of the cause for removal.

1 19 EXPLANATION

1 20 This bill relates to the appointment of the clerks of the  
1 21 district court.  
1 22 The amendment to Code section 602.1215 changes the method  
1 23 by which the clerk of the district court is appointed. The  
1 24 amendment permits the chief judge of each judicial district to  
1 25 appoint the clerk of the district court and remove the clerk  
1 26 for cause after consultation with the district judges of the  
1 27 judicial district. The clerk under current law is appointed  
1 28 by a majority vote of all districts judges in the judicial  
1 29 election district, and removed by a majority vote.

LSB 2106HH (5) 84

jm/rj



Iowa General Assembly  
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## House File 280 - Introduced

HOUSE FILE  
BY WESSEL=KROESCHELL

### A BILL FOR

1 An Act relating to earned time accrual by an inmate at a  
2 correctional institution of the department of corrections.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSE 2384YH (1) 84  
jm/nh





Iowa General Assembly  
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House File 280 - Introduced continued

PAG LIN

1 1 Section 1. Section 903A.2, subsection 1, paragraph a,  
1 2 unnumbered paragraph 1, Code 2011, is amended to read as  
1 3 follows:  
1 4 Category "A" sentences are those sentences which are not  
1 5 subject to a maximum accumulation of earned time of fifteen  
1 6 percent of the total sentence of confinement under section  
1 7 902.12. To the extent provided in subsection 5, category "A"  
1 8 sentences also include life sentences imposed under section  
1 9 902.1. An inmate of an institution under the control of  
1 10 the department of corrections who is serving a category "A"  
1 11 sentence is eligible for a reduction of sentence equal to  
1 12 one and ~~two-tenths~~ one-half days for each day the inmate  
1 13 demonstrates good conduct and satisfactorily participates in  
1 14 any program or placement status identified by the director to  
1 15 earn the reduction. The programs include but are not limited  
1 16 to the following:

1 17 EXPLANATION

1 18 This bill relates to the calculation of earned time for an  
1 19 inmate.

1 20 Under the bill, the amount of earned time an inmate is  
1 21 eligible to earn for a reduction of sentence increases from  
1 22 1.2 days to 1.5 days for each day the inmate demonstrates  
1 23 good conduct and satisfactorily participates in any program  
1 24 or placement status identified by the director to earn the  
1 25 reduction.

LSB 2384YH (1) 84  
jm/nh



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 15, 2011

**House File 281 - Introduced**

HOUSE FILE  
BY WILLEMS

**A BILL FOR**

1 An Act relating to agreements between landholders and  
2 developers constructing wind energy facilities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2198YH (2) 84  
da/nh



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House File 281 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 558B.1 Definitions.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Developer" means a person who acquires an interest in  
1 5 land for purposes of constructing a wind energy facility.  
1 6 2. "Land" means real estate, any fixtures, and airspace  
1 7 above the real estate.  
1 8 3. "Landholder" means a person holding a legal or equitable  
1 9 interest in land, including as a titleholder, leaseholder, or  
1 10 beneficiary.  
1 11 4. "Wind energy facility" means a structure or equipment  
1 12 which has the primary purpose of supporting the generation and  
1 13 delivery of electricity of at least two megawatts powered by  
1 14 wind, and includes but is not limited to any of the following:  
1 15 a. Primary structures or equipment such as foundations,  
1 16 walls, towers, supports, turbines, and blades.  
1 17 b. Ancillary structures or equipment such as buildings,  
1 18 driveways, roadways, lots, ditches, fences, gates, transmission  
1 19 or distribution lines, and substations.  
1 20 5. "Wind energy facility agreement" or "agreement" means a  
1 21 written arrangement in which a landholder transfers, conveys,  
1 22 or relinquishes an interest in land to a developer who acquires  
1 23 such interest and any attendant rights for the purpose of  
1 24 constructing a wind energy facility.  
1 25 Sec. 2. NEW SECTION. 558B.2 Special terms.  
1 26 1. A wind energy facility agreement may be in the form of a  
1 27 servitude, covenant, easement, deed restriction or condition,  
1 28 lease, lease purchase, lease option, contract, or contract  
1 29 option. The agreement shall be deemed to be an easement which  
1 30 shall run with the land benefited and burdened and shall  
1 31 terminate upon the conditions stated in the agreement.  
1 32 2. Construction of a wind energy facility commences upon  
1 33 the modification of a site to install permanent structures  
1 34 and equipment associated with the wind energy facility.  
1 35 Construction does not commence upon the occurrence of any of



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House File 281 - Introduced continued

2 1 the following:

2 2 a. Performance of engineering services or environmental  
2 3 studies.

2 4 b. Site preparation, including the removal of crops,  
2 5 trees, brush, or other vegetative growth; the construction  
2 6 of a driveway or road; general earth moving for leveling or  
2 7 compacting; or the installation of temporary utility services.

2 8 Sec. 3. NEW SECTION. 558B.3 Wind energy facility agreement  
2 9 ==== confidentiality provisions void.

2 10 A provision in a wind energy facility agreement that  
2 11 restricts a landholder who is a party to the agreement from  
2 12 disclosing the terms and conditions of the agreement is  
2 13 severable, void, and unenforceable.

2 14 1. The confidentiality provision is void whether the  
2 15 confidentiality provision is express or implied; oral  
2 16 or written; required or conditional; or contained in the  
2 17 agreement, or in a related document.

2 18 2. This section does not affect other provisions of a wind  
2 19 energy facility agreement or a related document which can be  
2 20 given effect without the voided provision.

2 21 3. This section does not require a party to an agreement to  
2 22 divulge information in the agreement to another person.

2 23 Sec. 4. NEW SECTION. 558B.4 Wind energy facility agreement  
2 24 ==== construction time limit.

2 25 A wind energy facility agreement terminates if construction  
2 26 of the wind energy facility has not commenced within three  
2 27 years after the effective date of the agreement. However, this  
2 28 period may be extended in writing by the parties.

2 29 Sec. 5. NEW SECTION. 558B.5 Wind energy facility agreement  
2 30 ==== financial assurance for decommissioning.

2 31 1. A wind energy facility agreement shall include a  
2 32 financial assurance for decommissioning the wind energy  
2 33 facility, which the developer shall have in place prior to  
2 34 construction.

2 35 2. The amount of financial assurance shall be sufficient to



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3 1 pay all costs associated with the removal of the wind energy  
3 2 facility and the reclamation of the land at the end of the  
3 3 facility's useful life as stated in the agreement.  
3 4 3. The financial assurance shall be in one of the following  
3 5 forms:  
3 6 a. The deposit of moneys or government securities into an  
3 7 account segregated from the developer's assets and outside the  
3 8 developer's control, including but not limited to a trust or  
3 9 escrow account.  
3 10 b. A certificate of deposit that is issued to the treasurer  
3 11 of state by an eligible lending institution as defined in  
3 12 section 12.32, if and to the extent allowed by the treasurer of  
3 13 state.  
3 14 c. A surety in the form of a surety bond, letter of credit,  
3 15 or line of credit. The surety bond shall be executed by a  
3 16 surety company authorized to do business in this state, and the  
3 17 surety bond shall be continuous in nature.  
3 18 4. The amount of financial assurance shall be payable to  
3 19 the landholder or the landholder's successor in interest if  
3 20 decommissioning does not occur.

3 21 EXPLANATION

3 22 GENERAL. This bill applies when a landowner agrees to allow  
3 23 the construction of a wind turbine on the landowner's land.  
3 24 The bill refers to the wind turbine and associated construction  
3 25 as a wind energy facility, and refers to the agreement as a  
3 26 wind energy facility agreement which may be in various forms  
3 27 including a servitude, covenant, easement, deed restriction or  
3 28 condition, lease, lease purchase, lease option, contract, or  
3 29 contract option. The bill provides that all such agreements  
3 30 are deemed easements.  
3 31 CONFIDENTIALITY. The bill provides that any confidentiality  
3 32 provision in an agreement that restricts a party from  
3 33 disclosing the terms and conditions of the agreement is void.  
3 34 CONSTRUCTION TIME LIMIT. The bill provides that a wind  
3 35 energy facility agreement terminates if construction of the



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House File 281 - Introduced continued

4 1 wind energy facility has not commenced within three years after  
4 2 the effective date of the agreement. However, this period may  
4 3 be extended by the parties.  
4 4 FINANCIAL ASSURANCE. The bill provides that a wind energy  
4 5 facility agreement must include a form of financial assurance  
4 6 for decommissioning the facility, sufficient to pay all costs  
4 7 associated with its removal and the reclamation of the land at  
4 8 the end of the facility's useful life. The financial assurance  
4 9 must be in the form of a deposit of moneys or government  
4 10 securities into a type of trust or escrow account. It may also  
4 11 be a certificate of deposit, surety bond, letter of credit, or  
4 12 line of credit.

LSB 2198YH (2) 84

da/nh



Iowa General Assembly  
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## House File 282 - Introduced

HOUSE FILE  
BY SWAIM

### A BILL FOR

1 An Act relating to damages recoverable for the wrongful or  
2 negligent injury or death of a person.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2478YH (2) 84  
rh/nh



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House File 282 - Introduced continued

PAG LIN

1 1 Section 1. Section 613.15, Code 2011, is amended by striking  
1 2 the section and inserting in lieu thereof the following:

1 3 613.15 Injury or death of spouse or parent ==== measure of  
1 4 recovery.

1 5 A spouse or child of a person may recover for the expense and  
1 6 actual loss of support, services, companionship, and society  
1 7 resulting from injury to or death of the person.

1 8 Sec. 2. Section 633.336, Code 2011, is amended to read as  
1 9 follows:

1 10 633.336 Damages for wrongful death.

1 11 1. When a wrongful act produces death, damages recovered  
1 12 as a result of the wrongful act may include damages for the  
1 13 decedent's loss of enjoyment of life and shall be disposed of  
1 14 as personal property belonging to the estate of the deceased;  
1 15 however, if the damages include damages for loss of services  
1 16 and support of a deceased spouse, parent, or child, the damages  
1 17 shall be apportioned by the court among the surviving spouse,  
1 18 children, and parents of the decedent in a manner as the  
1 19 court may deem equitable consistent with the loss of services  
1 20 and support sustained by the surviving spouse, children, and  
1 21 parents respectively. Any recovery by a parent for the death  
1 22 of a child shall be subordinate to the recovery, if any, of  
1 23 the spouse or a child of the decedent. If the decedent leaves  
1 24 a spouse, child, or parent, damages for wrongful death shall  
1 25 not be subject to debts and charges of the decedent's estate,  
1 26 except for amounts to be paid to the department of human  
1 27 services for payments made for medical assistance pursuant to  
1 28 chapter 249A, paid on behalf of the decedent from the time of  
1 29 the injury which gives rise to the decedent's death up until  
1 30 the date of the decedent's death.

1 31 2. For the purposes of this section, "loss of enjoyment  
1 32 of life" is measured separate and apart from the economic  
1 33 productive value the decedent would have had if the decedent  
1 34 lived and such damages shall not be duplicative of damages  
1 35 recoverable under sections 613.15 and 613.15A.





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2 1 EXPLANATION  
2 2 This bill relates to damages recoverable for the wrongful or  
2 3 negligent injury or death of a person.  
2 4 The bill provides that a spouse or child of a person may  
2 5 recover for the expense and actual loss of support, services,  
2 6 companionship, and society resulting from injury to or death  
2 7 of the person.  
2 8 The bill also provides that, in regard to Iowa's wrongful  
2 9 death statute under Code section 633.336, damages recoverable  
2 10 may include damages for a decedent's loss of enjoyment of life,  
2 11 measured separate and apart from the economic productive value  
2 12 the decedent would have had if the decedent lived and such  
2 13 damage shall not be duplicative of damages recoverable in an  
2 14 action for the injury or death of a spouse or parent and in an  
2 15 action for injury or death of a child.

LSB 2478YH (2) 84  
rh/nh



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**House File 283 - Introduced**

HOUSE FILE

BY ABDUL=SAMAD, GAINES,  
M. SMITH, KRESSIG, and  
KAJTAZOVIC

**A BILL FOR**

1 An Act providing for a streamlined issuance process for  
2 identity theft passports under specified circumstances.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2341YH (2) 84  
rn/nh



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House File 283 - Introduced continued

PAG LIN

1 1 Section 1. Section 715A.9A, subsection 6, Code 2011, is  
1 2 amended to read as follows:  
1 3 6. The attorney general shall adopt rules necessary to  
1 4 implement this section, which shall include a procedure by  
1 5 which the attorney general shall assure that an identity  
1 6 theft passport applicant has an identity theft claim that is  
1 7 legitimate and adequately substantiated. The rules shall also  
1 8 include an expedited or streamlined procedure for the issuance  
1 9 of identity theft passports to or for the benefit of victims  
1 10 that were under eighteen years of age at the time the identity  
1 11 theft took place.

1 12 EXPLANATION  
1 13 This bill requires the attorney general, when adopting rules  
1 14 to implement identity theft passport provisions contained in  
1 15 Code section 715A.9A, to include an expedited or streamlined  
1 16 process for the issuance of identity theft passports to or for  
1 17 the benefit of victims that were under 18 years of age at the  
1 18 time the incident of identity theft occurred.

LSB 2341YH (2) 84

rn/nh



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**House File 284 - Introduced**

HOUSE FILE  
BY WILLEMS

**A BILL FOR**

1 An Act relating to the method of collecting property taxes by a  
2 county treasurer.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1460HH (8) 84  
md/sc



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House File 284 - Introduced continued

PAG LIN

1 1 Section 1. Section 435.24, subsection 6, paragraph a, Code  
1 2 2011, is amended to read as follows:  
1 3 a. As an alternative to the semiannual or annual payment of  
1 4 taxes, the county treasurer ~~may~~ shall accept partial payments  
1 5 of current year home taxes and shall implement a system or  
1 6 modify the current payment system to accept monthly payments of  
1 7 current year home taxes. The treasurer shall transfer amounts  
1 8 from each taxpayer's account to be applied to each semiannual  
1 9 tax installment prior to the delinquency dates specified in  
1 10 section 445.37 and the amounts collected shall be apportioned  
1 11 by the tenth of the month following transfer. If, prior to the  
1 12 due date of each semiannual installment, the account balance is  
1 13 insufficient to fully satisfy the installment, the treasurer  
1 14 shall transfer and apply the entire account balance, leaving an  
1 15 unpaid balance of the installment. Interest shall attach on  
1 16 the unpaid balance in accordance with section 445.39. Unless  
1 17 funds sufficient to fully satisfy the delinquency are received,  
1 18 the treasurer shall collect the unpaid balance as provided  
1 19 in sections 445.3 and 445.4 and chapter 446. Any remaining  
1 20 balance in a taxpayer's account in excess of the amount needed  
1 21 to fully satisfy an installment shall remain in the account  
1 22 to be applied toward the next semiannual installment. Any  
1 23 interest income derived from the account shall be deposited  
1 24 in the county's general fund to cover administrative costs.  
1 25 The treasurer shall send a notice with the tax statement or  
1 26 by separate mail to each taxpayer stating that, upon request  
1 27 to the treasurer, the taxpayer may make partial payments of  
1 28 current year home taxes.  
1 29 Sec. 2. Section 445.36A, subsection 1, Code 2011, is amended  
1 30 to read as follows:  
1 31 1. As an alternative to the semiannual or annual payment  
1 32 of taxes, the county treasurer ~~may~~ shall accept partial  
1 33 payments of taxes and shall implement a system or modify the  
1 34 current payment system to accept monthly payments of current  
1 35 year home taxes. The treasurer shall transfer amounts from



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2 1 each taxpayer's account to be applied to each semiannual tax  
2 2 installment prior to the delinquency dates specified in section  
2 3 445.37 and the amounts collected shall be apportioned by the  
2 4 tenth of the month following transfer. If, prior to the due  
2 5 date of each semiannual installment, the account balance is  
2 6 insufficient to fully satisfy the installment, the treasurer  
2 7 shall transfer and apply the entire account balance, leaving an  
2 8 unpaid balance of the installment. Interest shall attach on  
2 9 the unpaid balance in accordance with section 445.39. Unless  
2 10 funds sufficient to fully satisfy the delinquency are received,  
2 11 the treasurer shall collect the unpaid balance as provided  
2 12 in sections 445.3 and 445.4 and chapter 446. Any remaining  
2 13 balance in a taxpayer's account in excess of the amount needed  
2 14 to fully satisfy an installment shall remain in the account  
2 15 to be applied toward the next semiannual installment. Any  
2 16 interest income derived from the account shall be deposited  
2 17 in the county's general fund to cover administrative costs.  
2 18 The treasurer shall send a notice with the tax statement or by  
2 19 separate mail to each taxpayer stating that, upon request to  
2 20 the treasurer, the taxpayer may make partial payments of taxes.  
2 21 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
2 22 3, shall not apply to this Act.

2 23 EXPLANATION

2 24 Current law allows county treasurers to accept partial  
2 25 payments for the current year property taxes as an alternative  
2 26 to the semiannual or annual payment of property taxes under  
2 27 Code sections 435.24 and 445.36A. This bill requires county  
2 28 treasurers to accept such partial payments and requires  
2 29 implementation of a system or modification of the current  
2 30 payment system to accept monthly payments of current year home  
2 31 taxes.  
2 32 The bill may include a state mandate as defined in Code  
2 33 section 25B.3. The bill makes inapplicable Code section 25B.2,  
2 34 subsection 3, which would relieve a political subdivision from  
2 35 complying with a state mandate if funding for the cost of



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3 1 the state mandate is not provided or specified. Therefore,  
3 2 political subdivisions are required to comply with any state  
3 3 mandate included in the bill.

LSB 1460HH (8) 84

md/sc



Iowa General Assembly  
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## House File 285 - Introduced

HOUSE FILE  
BY WATTS

### A BILL FOR

1 An Act relating to intellectual diversity in community colleges  
2 and institutions of higher education under the control  
3 of the state board of regents and providing a reporting  
4 requirement.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1662YH (3) 84  
kh/nh





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House File 285 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 261G.1 Short title ==== definition.  
1 2 1. This chapter may be cited as the "Intellectual Diversity  
1 3 in Higher Education Act".  
1 4 2. For purposes of this chapter, unless the context  
1 5 otherwise requires, "intellectual diversity" means an open  
1 6 learning environment that exposes students to a variety of  
1 7 perspectives.  
1 8 Sec. 2. NEW SECTION. 261G.2 Reporting requirements.  
1 9 1. Each community college established under chapter 260C  
1 10 and each institution of higher education under the control of  
1 11 the state board of regents shall, on or before January 1, 2012,  
1 12 and on or before January 1 of each succeeding fiscal year, do  
1 13 the following:  
1 14 a. Submit a report to the Iowa association of community  
1 15 college trustees or the state board of regents, as appropriate,  
1 16 detailing the steps that the community college or institution  
1 17 has taken and is taking to ensure intellectual diversity and  
1 18 the free exchange of ideas among both the student body and the  
1 19 faculty members.  
1 20 b. Post the report described in paragraph "a" on the  
1 21 community college's or institution's internet website.  
1 22 c. Create a mechanism to receive complaints and suggestions  
1 23 from students, faculty, and other interested parties regarding  
1 24 intellectual diversity, or lack thereof, at the community  
1 25 college or institution.  
1 26 2. In order to fulfill the reporting requirement  
1 27 in subsection 1, on or before December 30 annually, as  
1 28 appropriate, beginning December 30, 2011, each community  
1 29 college and each institution of higher education under the  
1 30 control of the state board of regents shall at a minimum do the  
1 31 following:  
1 32 a. Conduct a study to assess the current state of  
1 33 intellectual diversity on its campus.  
1 34 b. Incorporate intellectual diversity into institutional  
1 35 statements, grievance procedures, and activities that promote



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2 1 diversity.  
2 2 c. Include intellectual diversity concerns in the community  
2 3 college's or institution's guidelines on teaching and program  
2 4 development.  
2 5 d. Include intellectual diversity issues in student  
2 6 discourse evaluations.  
2 7 e. Develop clear policies on hiring, tenure, and promotion  
2 8 that protect individuals against discrimination based on  
2 9 political viewpoint and that track any reported political  
2 10 viewpoint discrimination grievances.  
2 11 f. Direct the chief diversity officer for the community  
2 12 college or institution, or other parties responsible for  
2 13 diversity efforts at the community college or institution,  
2 14 to ensure that the community college or institution take  
2 15 all appropriate measures to promote intellectual diversity,  
2 16 including but not limited to the provisions specified in this  
2 17 subsection. The chief diversity officer or other parties  
2 18 responsible for diversity efforts at the community college  
2 19 or institution shall also report regularly on intellectual  
2 20 diversity to the Iowa association of community college trustees  
2 21 or the state board of regents, as appropriate.  
2 22 3. On or before January 31 annually, beginning January  
2 23 31, 2012, the Iowa association of community college trustees  
2 24 for the community colleges, and the state board of regents  
2 25 for the institutions of higher education it controls, shall  
2 26 collect and summarize the reports provided in accordance with  
2 27 subsection 1, and submit the summary in a report to the general  
2 28 assembly and the governor. The summary report shall provide  
2 29 internet website links to the complete reports provided by the  
2 30 institutions in accordance with subsection 1, along with the  
2 31 key findings derived from those reports. The Iowa association  
2 32 of community college trustees and state board of regents shall  
2 33 each maintain a copy of the summary report and copies of the  
2 34 reports provided pursuant to subsection 1 on its internet  
2 35 website.



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3 1 4. The standing senate and house of representatives  
3 2 education committees of the general assembly shall hear  
3 3 testimony from representatives of the community colleges and  
3 4 the institutions of higher education under the control of the  
3 5 state board of regents; their students, faculty members, and  
3 6 administrators; and expert witnesses concerning the reports  
3 7 submitted pursuant to this section and any matters of interest  
3 8 to the committees concerning intellectual diversity.

3 9 EXPLANATION

3 10 This bill establishes the "Intellectual Diversity in Higher  
3 11 Education Act", requires each community college and regents  
3 12 university to provide an annual report to the Iowa association  
3 13 of community college trustees and the state board of regents,  
3 14 as appropriate, describing the steps it is taking to ensure  
3 15 intellectual diversity and the free exchange of ideas. The  
3 16 association and the state board are directed to submit a  
3 17 summary of the reports to the general assembly and the governor  
3 18 annually and to place the summary report and the institution  
3 19 reports on their internet websites.

3 20 The bill defines "intellectual diversity" as an open  
3 21 learning environment that exposes students to a variety of  
3 22 perspectives.

3 23 Each community college and regents university must  
3 24 submit its report on or before January 1 annually beginning  
3 25 January 1, 2012, post the reports on their websites, and  
3 26 create a mechanism to collect complaints and suggestions  
3 27 related to intellectual diversity. In order to fulfill the  
3 28 reporting requirement, on or before December 30 annually,  
3 29 beginning December 30, 2011, each community college and  
3 30 regents university must, at a minimum, conduct a study to  
3 31 assess the current state of intellectual diversity on its  
3 32 campus; incorporate intellectual diversity into institutional  
3 33 statements, grievance procedures, and activities that promote  
3 34 diversity; include intellectual diversity concerns in the  
3 35 institution's guidelines on teaching and program development;



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4 1 and include intellectual diversity issues in student discourse  
4 2 evaluations; develop clear policies on hiring, tenure, and  
4 3 promotion that protect individuals against discrimination  
4 4 based on political viewpoint and that track discrimination  
4 5 grievances.

4 6 The summary reports must be submitted to the general  
4 7 assembly and the governor on or before January 31, 2012, and  
4 8 annually thereafter. The summary report must include the key  
4 9 findings derived from the institutions' reports.

4 10 Finally, the bill provides that the standing senate and  
4 11 house of representatives education committees shall hear  
4 12 testimony from community college and regents university  
4 13 representatives, students, faculty members, administrators,  
4 14 and expert witnesses concerning the reports submitted and any  
4 15 matters of interest to the committees concerning intellectual  
4 16 diversity.

LSB 1662YH (3) 84

kh/nh



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**House File 286 - Introduced**

HOUSE FILE  
BY KAUFMANN, LENSING,  
HEATON,  
WESSEL=KROESCHELL, and  
TJEPKES

**A BILL FOR**

1 An Act relating to an assault that occurs between persons in  
2 an intimate relationship and the crime of domestic abuse  
3 assault and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2223HH (4) 84  
rh/rj



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House File 286 - Introduced continued

PAG LIN

1 1 Section 1. Section 708.2A, subsection 1, Code 2011, is  
1 2 amended to read as follows:

1 3 1. For the purposes of this chapter, "domestic abuse  
1 4 assault" means an assault, as defined in section 708.1, which  
1 5 is domestic abuse as defined in section 236.2, subsection 2,  
1 6 paragraph "a", "b", "c", ~~or~~ "d", or "e".

1 7 EXPLANATION

1 8 This bill relates to an assault that occurs between persons  
1 9 in an intimate relationship and the crime of domestic abuse  
1 10 assault.

1 11 The bill includes an assault, as defined in Code section  
1 12 708.1, that occurs between persons who are in an intimate  
1 13 relationship or who have been in an intimate relationship and  
1 14 who have had contact within the past year of the assault,  
1 15 in the definition of domestic abuse assault pursuant to Code  
1 16 section 708.2A. In determining whether persons are or have  
1 17 been in an intimate relationship, the court may consider the  
1 18 duration of the relationship, the frequency of interaction,  
1 19 whether the relationship has been terminated, and the nature of  
1 20 the relationship, characterized by either party's expectation  
1 21 of sexual or romantic involvement.

1 22 A person who commits domestic abuse assault commits a simple  
1 23 misdemeanor, a serious misdemeanor, an aggravated misdemeanor,  
1 24 or a class "D" felony depending upon the circumstances  
1 25 involved in the offense. A simple misdemeanor is punishable  
1 26 by confinement for no more than 30 days or a fine of at least  
1 27 \$65 but not more than \$625 or by both; a serious misdemeanor  
1 28 is punishable by confinement for no more than one year and a  
1 29 fine of at least \$315 but not more than \$1,875; an aggravated  
1 30 misdemeanor is punishable by confinement for no more than two  
1 31 years and a fine of at least \$625 but not more than \$6,250; and  
1 32 a class "D" felony is punishable by confinement for no more  
1 33 than five years and a fine of at least \$750 but not more than  
1 34 \$7,500.

LSB 2223HH (4) 84

rh/rj



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## House Resolution 12 - Introduced

PAG LIN

HOUSE RESOLUTION NO.

BY COMMITTEE ON ETHICS

1 1 A Resolution relating to the rules governing lobbyists  
1 2 in the House of Representatives.

1 3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
1 4 That the House Rules Governing Lobbyists shall be as  
1 5 follows:

1 6 HOUSE RULES GOVERNING LOBBYISTS

1 7 1. DEFINITIONS OF TERMS. As used in these  
1 8 rules, "client", "gift", "immediate family member",  
1 9 "lobbyist", and "person" have the meanings provided  
1 10 in section 68B.2 of the Code, except that the terms  
1 11 "lobbyist" and "client" shall only refer to persons  
1 12 who are lobbyists or clients of lobbyists of the house  
1 13 of representatives. Except as otherwise provided,  
1 14 "employee of the house" means a full-time permanent  
1 15 paid employee of the house of representatives.

1 16 2. REGISTRATION REQUIRED.

1 17 a. All lobbyists shall, on or before the day their  
1 18 lobbying activity begins, register in the manner  
1 19 provided under section 68B.36 of the Code. Lobbyist  
1 20 registration forms shall be available in the office of  
1 21 the chief clerk of the house.

1 22 b. In addition each registered lobbyist shall file  
1 23 with the chief clerk of the house a statement of the  
1 24 general subjects of legislation in which the lobbyist  
1 25 is or may be interested, the file number of the bills  
1 26 and resolutions and the bill number of study bills,  
1 27 if known, which will be lobbied, whether the lobbyist



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2 1 intends to lobby for or against each bill, resolution,  
2 2 or study bill, if known, and on whose behalf the  
2 3 lobbyist is lobbying the bill, resolution, or study  
2 4 bill. A lobbyist filing a declaration for a bill,  
2 5 resolution, or study bill may also submit a position  
2 6 statement with the declaration explaining the position  
2 7 of the lobbyist's client on the bill, resolution, or  
2 8 study bill. The chief clerk of the house shall include  
2 9 in the electronic bill declaration system a method for  
2 10 the submission of position statements by lobbyists.

2 11 Any change in or addition to the information  
2 12 required by this rule shall be registered with the  
2 13 chief clerk of the house within ten days from the time  
2 14 the change or addition is known to the lobbyist.

2 15 c. Beginning with lobbyist registration for the  
2 16 2012 session of the Eighty=fourth General Assembly,  
2 17 lobbyist registration shall include an affirmation by  
2 18 the lobbyist regarding compliance with rule 16.

2 19 d. A lobbyist who represents the position of a  
2 20 state government agency, in which the person serves  
2 21 or is employed as the designated representative for  
2 22 purposes of encouraging the passage or defeat of  
2 23 legislation, shall comply with rule 20 of the house  
2 24 rules.

2 25 3. CANCELLATION OF REGISTRATION. If a lobbyist's  
2 26 service on behalf of a particular employer, client, or  
2 27 cause is concluded after the lobbyist registers but  
2 28 before the first day of the next legislative session,  
2 29 the lobbyist shall cancel the registration in the  
2 30 manner required under section 68B.36 of the Code. Upon





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3 1 cancellation of registration, a person is prohibited  
3 2 from engaging in any lobbying activity on behalf  
3 3 of that particular employer, client, or cause until  
3 4 reregistering and complying with the requirements of  
3 5 section 68B.36 of the Code.  
3 6 4. AMENDMENT OF REGISTRATION. If a registered  
3 7 lobbyist represents more than one employer, client,  
3 8 or cause and the lobbyist's services are concluded  
3 9 on behalf of a particular employer, client, or cause  
3 10 after the lobbyist registers but before the first day  
3 11 of the next legislative session, the lobbyist shall  
3 12 file an amendment to the lobbyist's registration  
3 13 indicating which employer, client, or cause is no  
3 14 longer represented by the lobbyist and the date upon  
3 15 which the representation concluded.  
3 16 If a lobbyist is retained by one or more additional  
3 17 employers, clients, or causes after the lobbyist  
3 18 registers but before the first day of the next  
3 19 legislative session, the lobbyist shall file an  
3 20 amendment to the lobbyist's registration indicating the  
3 21 employer, client, or cause to be added and the date  
3 22 upon which the representation begins.  
3 23 Amendments to a lobbyist's registration regarding  
3 24 changes which occur during the time that the general  
3 25 assembly is in session shall be filed within one  
3 26 working day after the date upon which the change in  
3 27 the lobbyist's representation becomes effective.  
3 28 Amendments regarding changes which occur when the  
3 29 general assembly is not in session shall be filed  
3 30 within ten days after the date upon which the change in



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4 1 the lobbyist's representation becomes effective.

4 2 5. PUBLIC ACCESS. All information filed by a  
4 3 lobbyist or a client of a lobbyist under chapter 68B  
4 4 of the Code is a public record and open to public  
4 5 inspection at any reasonable time.

4 6 6. CHARGE ACCOUNTS. Lobbyists and the clients  
4 7 they represent shall not allow members of the house  
4 8 to charge any amounts or items to a charge account to  
4 9 be paid for by those lobbyists or by the clients they  
4 10 represent.

4 11 7. ACCESS TO HOUSE FLOOR. Lobbyists shall only be  
4 12 permitted on the floor of the house pursuant to ~~rule 20~~  
~~4 13 of the rules of the house rules.~~

4 14 8. FEE OR BONUS PROHIBITED. A fee or bonus shall  
4 15 not be paid to any lobbyist with reference to any  
4 16 legislative action that is conditioned wholly or in  
4 17 part upon the results attained by the lobbyist.

4 18 9. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY. A  
4 19 lobbyist, employer, or client of a lobbyist shall not  
4 20 offer economic or investment opportunity or promise  
4 21 of employment to any member of the house with intent  
4 22 to influence conduct in the performance of official  
4 23 duties.

4 24 10. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist  
4 25 shall not do anything with the purpose of placing  
4 26 a member of the house under personal or financial  
4 27 obligation to a lobbyist or a lobbyist's principal or  
4 28 agent.

4 29 11. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A  
4 30 lobbyist shall not cause or influence the introduction



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5 1 of any bill or amendment for the purpose of being  
5 2 employed to secure its passage or defeat.  
5 3 12. CAMPAIGN SUPPORT. A lobbyist shall not  
5 4 influence or attempt to influence a member's actions  
5 5 by the promise of financial support for the member's  
5 6 candidacy or threat of financial support for an  
5 7 opposition candidate. A lobbyist shall not make a  
5 8 campaign contribution to a member or to a member's  
5 9 candidate's committee during the time that the general  
5 10 assembly is in session.  
5 11 13. COMMUNICATION WITH MEMBER'S EMPLOYER  
5 12 PROHIBITED. A lobbyist shall not communicate with a  
5 13 member's employer for the purpose of influencing a vote  
5 14 of the member.  
5 15 14. EXCESS PAYMENTS. A lobbyist shall not pay or  
5 16 agree to pay to a member a price, fee, compensation,  
5 17 or other consideration for the sale or lease of  
5 18 any property or the furnishing of services which is  
5 19 substantially in excess of that which other persons in  
5 20 the same business or profession would charge in the  
5 21 ordinary course of business.  
5 22 15. PROHIBITION AGAINST GIFTS. A lobbyist or  
5 23 client of a lobbyist shall not, directly or indirectly,  
5 24 offer or make a gift or series of gifts to any member  
5 25 or full-time permanent employee of the house or the  
5 26 immediate family members of a member or full-time  
5 27 permanent employee of the house except as otherwise  
5 28 provided in section 68B.22 of the Code. A lobbyist  
5 29 or client of a lobbyist who intends or plans to give  
5 30 a nonmonetary item, other than food or drink consumed



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6 1 in the presence of the donor, which does not have a  
6 2 readily ascertainable value, to a member or full-time  
6 3 permanent employee of the house, prior to giving or  
6 4 sending the item to the member or employee, shall seek  
6 5 approval of the item from the chief clerk of the house.  
6 6 A lobbyist or client of a lobbyist who seeks approval  
6 7 of an item from the chief clerk shall submit the item  
6 8 and evidence of the value of the item at the time that  
6 9 approval is requested.  
6 10 16. GIFT LAW REQUIREMENTS. A lobbyist shall inform  
6 11 each of the lobbyist's clients of the requirements of  
6 12 section 68B.22 of the Code and of the responsibility to  
6 13 seek approval prior to giving or sending a nonmonetary  
6 14 item which does not have a readily ascertainable value  
6 15 to a member or a full-time permanent employee of the  
6 16 house.  
6 17 ~~16.~~ 17. FINANCIAL TRANSACTIONS. A lobbyist shall  
6 18 not, directly or indirectly, make a loan to a member of  
6 19 the house or to an employee of the house.  
6 20 A loan prohibited under this section does not  
6 21 include a loan made in the ordinary course of business  
6 22 of a lobbyist if the primary business of the lobbyist  
6 23 is something other than lobbying, if consideration of  
6 24 equal or greater value is received by the lobbyist,  
6 25 and if fair market value is given or received for the  
6 26 benefit conferred.  
6 27 ~~17.~~ 18. HONORARIA === RESTRICTIONS. A lobbyist  
6 28 or client of a lobbyist shall not pay an honorarium  
6 29 to a member or employee of the house for a speaking  
6 30 engagement or other formal public appearance in the



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7 1 official capacity of the member or employee except as  
7 2 otherwise provided in section 68B.23 of the Code.  
7 3 ~~18.~~ 19. COMPLAINTS. The procedures for complaints  
7 4 and enforcement of these rules shall be the same as  
7 5 those provided in the house code of ethics.  
7 6 ~~19.~~ 20. PROCEDURES AND FORMS. The chief clerk of  
7 7 the house, subject to the approval of the house ethics  
7 8 committee, shall prescribe procedures for compliance  
7 9 with these rules, and shall prepare forms for the  
7 10 filing of complaints and make them available to any  
7 11 person.

LSB 1355HV (3) 84

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## House Study Bill 100

SENATE/HOUSE FILE  
BY (PROPOSED AUDITOR OF  
STATE BILL)

### A BILL FOR

1 An Act concerning the duties and responsibilities of the  
2 auditor of state.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1179XD (14) 84  
aw/sc



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1 1 Section 1. Section 11.1, Code 2011, is amended to read as  
1 2 follows:

1 3 11.1 Definitions.

1 4 1. For purposes of this chapter, unless the context  
1 5 otherwise requires:

1 6 a. ~~The term "department" shall be construed to mean~~  
1 7 "Department" means any authority charged by law with official  
1 8 responsibility for the expenditure of public money of the state  
1 9 and any agency receiving money from the general revenues of the  
1 10 state.

1 11 b. "Examination" means procedures that are less in scope  
1 12 than an audit but which are directed toward reviewing financial  
1 13 activities and compliance with legal requirements.

1 14 c. "Governmental subdivision" means cities and  
1 15 administrative agencies established by cities, hospitals or  
1 16 health care facilities established by a city, counties, county  
1 17 hospitals organized under chapters 347 and 347A, memorial  
1 18 hospitals organized under chapter 37, entities organized under  
1 19 chapter 28E, community colleges, area education agencies, and  
1 20 school districts.

1 21 d. "Regents institutions" means the institutions governed by  
1 22 the board of regents under section 262.7.

1 23 2. As used in this chapter, unless the context otherwise  
1 24 requires, "book", "list", "record", or "schedule" kept by a  
1 25 county auditor, assessor, treasurer, recorder, sheriff, or  
1 26 other county officer means the county system as defined in  
1 27 section 445.1.

1 28 Sec. 2. Section 11.2, subsection 1, Code 2011, is amended  
1 29 to read as follows:

1 30 1. The auditor of state shall annually, and more often if  
1 31 deemed necessary, make a full settlement between audit the  
1 32 state and all state officers and departments and all persons  
1 33 receiving or expending state funds, and shall annually make a  
1 34 complete audit of the books and accounts of every department  
1 35 of the state.



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2 1 ~~a. Provided, except that the accounts, records, and~~  
2 2 documents of the treasurer of state shall be audited daily.  
2 3 ~~b. Provided further, that a preliminary audit of the~~  
~~2 4 educational institutions and the state fair board shall be made~~  
~~2 5 periodically, at least quarterly, to check the monthly reports~~  
~~2 6 submitted to the director of the department of administrative~~  
~~2 7 services as required by section 8A.502, subsection 10, and that~~  
~~2 8 a final audit of such state agencies shall be made at the close~~  
~~2 9 of each fiscal year.~~  
2 10 Sec. 3. Section 11.2, Code 2011, is amended by adding the  
2 11 following new subsection:  
2 12 NEW SUBSECTION. 1A. Departments shall immediately notify  
2 13 the auditor of state regarding any suspected embezzlement,  
2 14 theft, or other significant financial irregularities.  
2 15 Sec. 4. Section 11.2, subsection 2, paragraphs a, b, and c,  
2 16 Code 2011, are amended to read as follows:  
2 17 a. The state board of regents shall make available to the  
2 18 auditor of state and treasurer of state the most recent annual  
2 19 report of any investment entity or investment professional  
2 20 employed by ~~an a regents~~ institution ~~governed by the board~~.  
2 21 b. All contracts or agreements with an investment entity or  
2 22 investment professional employed by ~~an a regents~~ institution  
2 23 ~~governed by the state board of regents~~ shall require the  
2 24 investment entity or investment professional employed by ~~an a~~  
2 25 ~~regents~~ institution ~~governed by the state board of regents~~ to  
2 26 notify in writing the state board of regents within thirty days  
2 27 of receipt of all communication from an independent auditor  
2 28 or the auditor of state or any regulatory authority of the  
2 29 existence of a material weakness in internal control ~~structure~~,  
2 30 or regulatory orders or sanctions against the investment  
2 31 entity or investment professional, with regard to the type of  
2 32 services being performed under the contracts or agreements.  
2 33 This provision shall not be limited or avoided by another  
2 34 contractual provision.  
2 35 c. The audit under this section shall not be certified until





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3 1 the most recent annual reports of any investment entity or  
3 2 investment professional employed by ~~an~~ a regents institution  
3 3 ~~governed by the state board of regents~~ are reviewed by the  
3 4 auditor of state.

3 5 Sec. 5. Section 11.4, subsection 1, Code 2011, is amended  
3 6 to read as follows:

3 7 1. The auditor of state shall make or cause to be made and  
3 8 filed and kept in the auditor's office written reports of all  
3 9 audits and examinations, which reports shall ~~set out in detail~~  
~~3 10 include, if applicable, the following:~~

3 11 a. The ~~actual financial~~ condition of ~~such the state or~~  
3 12 department ~~found to exist on every examination.~~

3 13 b. Whether, in the auditor's opinion,

3 14 (1) ~~All funds~~ Funds have been expended for the purpose for  
3 15 which appropriated.

3 16 (2) The department so audited ~~and~~ or examined is efficiently  
3 17 conducted, and if the maximum results for the money expended  
3 18 are obtained.

3 19 (3) The work of the departments so audited or examined  
3 20 needlessly conflicts with or duplicates the work done by any  
3 21 other department.

3 22 c. All illegal or unbusinesslike practices.

3 23 d. Any recommendations for greater simplicity, accuracy,  
3 24 efficiency, or economy in the operation of the business of the  
3 25 several departments and institutions.

~~3 26 e. Comparisons of prices paid and terms obtained by the  
3 27 various departments for goods and services of like character  
3 28 and reasons for differences therein, if any.~~

3 29 ~~f.~~ e. Any other information which, in the auditor's  
3 30 judgment, may be of value ~~to the auditor.~~

3 31 Sec. 6. Section 11.4, subsection 2, Code 2011, is amended by  
3 32 striking the subsection.

3 33 Sec. 7. Section 11.5A, Code 2011, is amended to read as  
3 34 follows:

3 35 11.5A Audit costs.



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4 1 When requested by the auditor of state, the department of  
4 2 management shall transfer from any unappropriated funds in  
4 3 the state treasury an amount not exceeding the expenses and  
4 4 prorated salary costs already paid to perform ~~examinations~~  
~~4 5 audits of state executive departments and agencies, and~~  
4 6 the offices of the judicial branch, and federal financial  
4 7 assistance, as defined in ~~Pub. L. No. 98-502~~ the federal Single  
4 8 Audit Act, 31 U.S.C. { 7501, et seq., received by all other  
4 9 departments, as listed in section 11.5B, for which payments by  
4 10 agencies have not been made. Upon payment by the departments,  
4 11 the auditor of state shall credit the payments to the state  
4 12 treasury.

4 13 Sec. 8. Section 11.5B, unnumbered paragraph 1, Code 2011,  
4 14 is amended to read as follows:

4 15 The auditor of state shall be reimbursed by a department  
4 16 or agency for performing audits or examinations of the  
4 17 following state departments or agencies, or funds received by  
4 18 a department or agency:

4 19 Sec. 9. Section 11.5B, subsection 13, Code 2011, is amended  
4 20 to read as follows:

4 21 13. Federal financial assistance, as defined in ~~Pub. L. No.~~  
~~4 22 98-502~~ the federal Single Audit Act, 31 U.S.C. { 7501, et seq.,  
4 23 received by all other departments.

4 24 Sec. 10. Section 11.6, subsection 1, paragraph a, Code 2011,  
4 25 is amended to read as follows:

4 26 a. (1) ~~The~~ Except for entities organized under chapter  
4 27 28E having gross receipts of one hundred thousand dollars or  
4 28 less in a fiscal year, the financial condition and transactions  
4 29 of all ~~cities and city offices, counties, county hospitals~~  
~~4 30 organized under chapters 347 and 347A, memorial hospitals~~  
~~4 31 organized under chapter 37, entities organized under chapter~~  
~~4 32 28E having gross receipts in excess of one hundred thousand~~  
~~4 33 dollars in a fiscal year, merged areas, area education~~  
~~4 34 agencies, and all school offices in school districts,~~  
~~4 35 government subdivisions~~ shall be ~~examined~~ audited at least once



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5 1 each year, except that cities having a population of seven  
5 2 hundred or more but less than two thousand shall be examined at  
5 3 least once every four years, and cities having a population of  
5 4 less than seven hundred may be examined as otherwise provided  
5 5 in this section. ~~The examination shall cover the fiscal year~~  
~~5 6 next preceding the year in which the audit is conducted. The~~  
5 7 ~~examination~~ audit of school ~~offices~~ districts shall include  
5 8 an audit of all school funds including categorical funding  
5 9 provided by the state, the certified annual financial report,  
5 10 the certified enrollment as provided in section 257.6,  
5 11 supplementary weighting as provided in section 257.11, and the  
5 12 revenues and expenditures of any nonprofit school organization  
5 13 established pursuant to section 279.62. Differences in  
5 14 certified enrollment shall be reported to the department of  
5 15 management. The ~~examination~~ audit of school ~~offices~~ districts  
5 16 shall include at a minimum a determination that the laws of  
5 17 the state are being followed, that categorical funding is not  
5 18 used to supplant other funding except as otherwise provided,  
5 19 that supplementary weighting is pursuant to an eligible  
5 20 sharing condition, and that postsecondary courses provided in  
5 21 accordance with section 257.11 and chapter 261E supplement,  
5 22 rather than supplant, school district courses. The ~~examination~~  
~~5 23~~ audit of a city that owns or operates a municipal utility  
5 24 providing local exchange services pursuant to chapter 476 shall  
5 25 include ~~an audit~~ performing tests of the city's compliance with  
5 26 section 388.10. The ~~examination~~ audit of a city that owns  
5 27 or operates a municipal utility providing telecommunications  
5 28 services pursuant to section 388.10 shall include ~~an audit~~  
~~5 29~~ performing tests of the city's compliance with section 388.10.  
5 30 (2) Subject to the exceptions and requirements of  
5 31 ~~subsection~~ subsections 2 and 3, and subsection 4, paragraph  
5 32 "a", subparagraph (3), ~~examinations~~ audits shall be made as  
5 33 determined by the governmental subdivision either by the  
5 34 auditor of state or by certified public accountants, certified  
5 35 in the state of Iowa, and they shall be paid from the proper



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6 1 public funds of the governmental subdivision.

6 2 Sec. 11. Section 11.6, subsection 1, Code 2011, is amended  
6 3 by adding the following new paragraph:

6 4 NEW PARAGRAPH. 0b. The financial condition and transactions  
6 5 of community mental health centers organized under chapter  
6 6 230A, substance abuse programs organized under chapter 125, and  
6 7 community action agencies organized under chapter 216A, shall  
6 8 be audited at least once each year.

6 9 Sec. 12. Section 11.6, subsection 1, paragraph b, Code 2011,  
6 10 is amended to read as follows:

6 11 b. (1) In conjunction with the audit of the governmental  
6 12 subdivision required under this section, the ~~person performing~~  
6 13 ~~the audit auditor~~ shall also perform tests for compliance with  
6 14 the investment policy of a ~~reasonable number of investment~~  
6 15 ~~transactions in relation to the total investments and quantity~~  
6 16 ~~of transactions in the period audited the governmental~~  
6 17 ~~subdivision.~~ The results of the compliance testing shall  
6 18 be reported in accordance with generally accepted auditing  
6 19 standards. The ~~person performing the audit auditor~~ may also  
6 20 make recommendations for changes to investment policy or  
6 21 practices. The governmental subdivision is responsible for the  
6 22 remedy of reported noncompliance with its policy or practices.

6 23 (2) (a) As part of its audit, the governmental subdivision  
6 24 is responsible for obtaining and providing to the ~~person~~  
6 25 ~~performing the audit auditor~~ the audited financial statements  
6 26 and related report on internal control ~~structure~~ of outside  
6 27 persons, performing any of the following during the period  
6 28 under audit for the governmental subdivision:

6 29 (i) Investing public funds.  
6 30 (ii) Advising on the investment of public funds.  
6 31 (iii) Directing the deposit or investment of public funds.  
6 32 (iv) Acting in a fiduciary capacity for the governmental  
6 33 subdivision.

6 34 (b) The audit under this section shall not be certified  
6 35 until all material information required by this subparagraph is



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7 1 reviewed by the ~~person performing the audit~~ auditor.

7 2 (3) The review by the ~~person performing the audit~~ auditor of

7 3 the most recent annual report to shareholders of an open=end

7 4 management investment company or an unincorporated investment

7 5 company or investment trust registered with the federal

7 6 securities and exchange commission under the federal Investment

7 7 Company Act of 1940, 15 U.S.C. { 80a, pursuant to 17 C.F.R.

7 8 { 270.30d=1 or the review, by the ~~person performing the audit~~

~~7 9~~ auditor, of the most recent annual report to shareholders, call

7 10 reports, or the findings pursuant to a regular examination

7 11 under state or federal law, to the extent the findings are

7 12 not confidential, of a bank, savings and loan association, or

7 13 credit union shall satisfy the review requirements of this

7 14 paragraph.

7 15 (4) All contracts or agreements with outside persons

7 16 performing any of the functions listed in subparagraph (2)

7 17 shall require the outside person to notify in writing the

7 18 governmental subdivision within thirty days of receipt of all

7 19 communication from the ~~person performing the audit~~ auditor

7 20 or any regulatory authority of the existence of a material

7 21 weakness in internal control ~~structure~~, or regulatory orders or

7 22 sanctions against the outside person, with regard to the type

7 23 of services being performed under the contracts or agreements.

7 24 This provision shall not be limited or avoided by another

7 25 contractual provision.

7 26 (5) As used in this subsection, "outside person" excludes a

7 27 bank, savings and loan association, or credit union when acting

7 28 as an approved depository pursuant to chapter 12C.

7 29 (6) A joint investment trust organized pursuant to chapter

7 30 28E shall file the audit reports required by this chapter with

7 31 the administrator of the securities and regulated industries

7 32 bureau of the insurance division of the department of commerce

7 33 within ten days of receipt from the auditor. The auditor of

7 34 a joint investment trust shall provide written notice to the

7 35 administrator of the time of delivery of the reports to the



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8 1 joint investment trust.

8 2 (7) If during the course of an audit of a joint investment  
8 3 trust organized pursuant to chapter 28E, the auditor determines  
8 4 the existence of a material weakness in the internal control  
8 5 ~~structure~~ or a material violation of the internal control  
8 6 ~~structure~~, the auditor shall report the determination to the  
8 7 joint investment trust which shall notify the administrator in  
8 8 writing within twenty=four hours, and provide a copy of the  
8 9 notification to the auditor. The auditor shall provide, within  
8 10 twenty=four hours of the receipt of the copy of the notice,  
8 11 written acknowledgment of the receipt to the administrator.  
8 12 If the joint investment trust does not make the notification  
8 13 within twenty=four hours, or the auditor does not receive a  
8 14 copy of the notification within twenty=four hours, the auditor  
8 15 shall immediately notify the administrator in writing of the  
8 16 material weakness in the internal control ~~structure~~ or the  
8 17 material violation of the internal control ~~structure~~.

8 18 Sec. 13. Section 11.6, subsection 2, Code 2011, is amended  
8 19 to read as follows:

8 20 2. a. ~~A city, community college, school district, area~~  
~~8 21 education agency, entity organized under chapter 28E, county,~~  
~~8 22 county hospital, or memorial hospital governmental subdivision,~~  
8 23 community mental health center, substance abuse program, or  
8 24 community action agency desiring to contract with or employ  
8 25 certified public accountants shall utilize procedures which  
8 26 include a written request for proposals.  
8 27 b. ~~The governing body of a city, community college, school~~  
~~8 28 district, area education agency, entity organized under chapter~~  
~~8 29 28E, county, county hospital, or memorial hospital utilizing~~  
~~8 30 the auditor of state instead of a certified public accountant~~  
~~8 31 to perform an audit shall notify the auditor of state by June~~  
~~8 32 1 of the year to be audited. If the governing body fails~~  
~~8 33 to notify the auditor of state of the decision to use the~~  
~~8 34 auditor of state, the auditor of state may perform the audit~~  
~~8 35 required in subsection 1 only if provisions are not made by the~~



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~~9 1 governing body to contract for the audit.~~  
9 2     Sec. 14. Section 11.6, subsection 3, Code 2011, is amended  
9 3 to read as follows:  
9 4     3. A township or city for which ~~examinations~~ audits are not  
9 5 required under subsection 1 may contract with or employ the  
9 6 auditor of state or certified public accountants for an audit  
9 7 ~~or examination of its financial transactions and condition of~~  
9 8 ~~its funds. A financial examination~~ An audit is mandatory on  
9 9 application by one hundred or more taxpayers, or if there are  
9 10 fewer than five hundred taxpayers in the township or city, then  
9 11 by fifteen percent of the taxpayers. Payment for the audit or  
9 12 ~~examination shall be made from the proper public funds of the~~  
9 13 ~~township or city.~~  
9 14     Sec. 15. Section 11.6, subsection 4, Code 2011, is amended  
9 15 to read as follows:  
9 16     4. a. In addition to the powers and duties under other  
9 17 provisions of the Code, the auditor of state may at any time  
9 18 cause to be made a complete or partial reaudit of the financial  
9 19 condition and transactions of any ~~city, county, county~~  
~~9 20 hospital, memorial hospital, entity organized under chapter~~  
~~9 21 28E, merged area, area education agency, school corporation,~~  
~~9 22 township, or other governmental subdivision, or an office~~  
9 23 of any ~~of these~~ governmental subdivision, if ~~one~~ any of the  
9 24 following conditions exists:  
9 25     (1) The auditor of state has probable cause to believe  
9 26 such action is necessary in the public interest because of a  
9 27 material deficiency in an audit of the governmental subdivision  
9 28 filed with the auditor of state or because of a substantial  
9 29 failure of the audit to comply with the standards and  
9 30 procedures established and published by the auditor of state.  
9 31     (2) The auditor of state receives from an elected official  
9 32 or employee of the governmental subdivision a written  
9 33 request for a complete or partial reaudit of the governmental  
9 34 subdivision.  
9 35     (3) The auditor of state receives a petition signed by at



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10 1 least ~~fifty~~ one hundred eligible electors of the governmental  
10 2 subdivision requesting a complete or partial reaudit of the  
10 3 governmental subdivision. If the governmental subdivision has  
10 4 not contracted with or employed a certified public accountant  
10 5 to perform an audit of the fiscal year in which the petition  
10 6 is received by the auditor of state, the auditor of state may  
10 7 perform an audit required by subsection 1 or 3.

10 8     b. The ~~state audit reaudit~~ shall be paid from the proper  
10 9 public funds available in the office of the auditor of  
10 10 state. In the event the audited governmental subdivision  
10 11 recovers damages from a person performing a previous audit  
10 12 due to negligent performance of that audit or breach of the  
10 13 audit contract, the auditor of state shall be entitled to  
10 14 reimbursement on an equitable basis for funds expended from any  
10 15 recovery made by the governmental subdivision.

10 16     ~~c. An examination under this subsection shall include~~  
10 17 ~~a determination of whether investments by the governmental~~  
10 18 ~~subdivision are authorized by state law.~~

10 19     Sec. 16. Section 11.6, subsection 7, Code 2011, is amended  
10 20 to read as follows:

10 21     7. The auditor of state shall make guidelines available  
10 22 to the public setting forth accounting and auditing standards  
10 23 and procedures and audit and legal compliance programs to  
10 24 be applied in the ~~examination~~ audit of the governmental  
10 25 subdivisions of the state, which shall require a review of ~~the~~  
10 26 internal control ~~structure~~ and specify testing of ~~transactions~~  
10 27 for compliance. The guidelines shall include a requirement  
10 28 that the certified public accountant and governmental  
10 29 subdivision immediately notify the auditor of state regarding  
10 30 any suspected embezzlement, ~~or~~ theft, or other significant  
10 31 financial irregularities. The auditor of state shall also  
10 32 provide standard reporting formats for use in reporting the  
10 33 results of an ~~examination~~ audit of a governmental subdivision.

10 34     Sec. 17. Section 11.6, subsection 9, Code 2011, is amended  
10 35 to read as follows:





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11 1 9. ~~The Accounts of the Iowa state association of counties~~  
11 2 ~~shall keep accounts as required by the auditor of state. These~~  
11 3 ~~accounts, the Iowa league of cities, and the Iowa association~~  
11 4 ~~of school boards shall be audited annually by either the~~  
11 5 auditor of state or a certified public accountant certified in  
11 6 the state of Iowa. The audit shall state all moneys expended  
11 7 for expenses incurred by and salaries paid to legislative  
11 8 representatives and lobbyists of the association audited.

11 9 Sec. 18. Section 11.6, subsection 10, Code 2011, is amended  
11 10 to read as follows:

11 11 10. The auditor of state shall adopt rules in accordance  
11 12 with chapter 17A to establish and collect a filing fee for  
11 13 the filing of each report of audit or examination conducted  
11 14 pursuant to subsections 1 through 3. The funds collected shall  
11 15 be maintained in a segregated account for use by the office of  
11 16 the auditor of state in performing audits conducted its duties  
11 17 pursuant to ~~subsection 4 and for work paper reviews conducted~~  
11 18 ~~pursuant to subsection 5~~ this section. Any funds collected  
11 19 by the auditor pursuant to subsection 4 shall be deposited in  
11 20 this account. Notwithstanding section 8.33, the funds in this  
11 21 account shall not revert at the end of any fiscal year.

11 22 Sec. 19. Section 11.6, Code 2011, is amended by adding the  
11 23 following new subsection:

11 24 NEW SUBSECTION. 11. Each governmental subdivision shall  
11 25 keep its records and accounts in such form and by such methods  
11 26 as to be able to exhibit in its reports the matters required  
11 27 by the auditor of state, unless a form or method is otherwise  
11 28 specifically prescribed by law. Each governmental subdivision  
11 29 shall keep its records and accounts in current condition.

11 30 Sec. 20. Section 11.11, Code 2011, is amended by striking  
11 31 the section and inserting in lieu thereof the following:

11 32 11.11 Scope of audits.

11 33 The written report of the audit of a governmental  
11 34 subdivision shall include the auditor's opinion as to whether a  
11 35 governmental subdivision's financial statements are presented



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12 1 fairly in all material respects in conformity with generally  
12 2 accepted accounting principles or with an other comprehensive  
12 3 basis of accounting. As a part of conducting an audit of a  
12 4 governmental subdivision, an evaluation of internal control  
12 5 and tests for compliance with laws and regulations shall be  
12 6 performed.

12 7 Sec. 21. Section 11.14, Code 2011, is amended to read as  
12 8 follows:

12 9 11.14 Reports ==== public inspection.

12 10 1. A written report of ~~such examination~~ an audit or  
12 11 examination shall be ~~made in triplicate signed and verified by~~  
12 12 ~~the officers making the examination; one copy to be provided~~  
12 13 ~~to the governmental subdivision and filed with the auditor of~~  
12 14 ~~state, one copy with the officer under investigation, and one~~  
12 15 ~~copy to the county auditor who shall transmit same to the board~~  
12 16 ~~of supervisors if a county office is under investigation, or~~  
12 17 ~~with the president of the school board if a school is under~~  
12 18 ~~investigation, or with the mayor and the council if a city~~  
12 19 ~~office is under examination.~~ All reports shall be open to  
12 20 public inspection, including copies on file in the office  
12 21 of the state auditor, and refusal on the part of any public  
12 22 official to permit such inspection when such reports have  
12 23 been filed with the state auditor shall constitute a simple  
12 24 misdemeanor.

12 25 2. In addition to ~~the foregoing~~ subsection 1, notice that  
12 26 the report has been filed shall be forwarded immediately to  
12 27 each newspaper, radio station, or television station located  
12 28 in the ~~county, municipality or school district which is under~~  
12 29 ~~investigation or audit; except that governmental subdivision~~  
12 30 ~~that was audited or examined.~~ However, if there is no  
12 31 newspaper, radio station, or television station located ~~therein~~  
12 32 ~~in the governmental subdivision,~~ such notice shall be sent to  
12 33 the official newspapers of the county.

12 34 Sec. 22. Section 11.19, Code 2011, is amended to read as  
12 35 follows:



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13 1 11.19 Auditor's powers and duties.

13 2 1. Where an audit or examination is made under contract  
13 3 with, or employment of, certified ~~or registered~~ public  
13 4 accountants, the auditor shall, in all matters pertaining to  
13 5 an authorized audit or examination, have all of the powers and  
13 6 be vested with all the authority of state auditors employed by  
13 7 the auditor of state, and the cost ~~and expense~~ of the audit  
13 8 ~~or examination shall be paid by the city, school district,~~  
~~13 9 or township governmental subdivision procuring the audit or~~  
13 10 examination. An itemized sworn A detailed statement of the  
13 11 ~~per diem and expense cost~~ of the ~~auditor audit or examination~~  
13 12 shall be filed with the clerk of the city, township, or school  
~~13 13 district, before payment thereof governmental subdivision.~~  
13 14 Upon completion of such audit or examination, a ~~signed~~ copy  
13 15 ~~thereof~~ of the report and a detailed, itemized statement  
13 16 of cost, including hours spent performing the audit or  
13 17 examination, shall be filed ~~by the accountant employed~~ with the  
13 18 auditor of state in a manner specified by the auditor of state.  
13 19 ~~All reports shall be open to public inspection, including~~  
~~13 20 copies on file in the office of the state auditor, and refusal~~  
~~13 21 on the part of any public official to permit such inspection~~  
~~13 22 when such reports have been filed with the state auditor, shall~~  
~~13 23 constitute a simple misdemeanor.~~

13 24 ~~In addition to the foregoing, notice that the report has~~  
~~13 25 been filed shall be forwarded immediately to each newspaper,~~  
~~13 26 radio station or television station located in the city,~~  
~~13 27 school district or township which is under investigation or~~  
~~13 28 audit; except that if there is no newspaper, radio station or~~  
~~13 29 television station located therein, the notice shall be sent to~~  
~~13 30 the official newspapers of the county.~~

13 31 2. Failure to file the report and the statement of cost  
13 32 with the auditor of state within thirty days after receiving  
13 33 notification of not receiving the audit report and the  
13 34 statement of cost shall bar the accountant from making any  
13 35 governmental subdivision audits or examinations under section



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14 1 11.6 for the following fiscal year.

14 2 Sec. 23. Section 11.20, Code 2011, is amended to read as  
14 3 follows:

14 4 11.20 Bills ==== audit and payment.

14 5 If the audit or examination is made by the auditor of state  
14 6 under this chapter, each auditor shall file with the auditor  
14 7 of state an itemized, certified and sworn voucher of time and  
14 8 expense for the time that the auditor is actually engaged in  
14 9 the audit or examination. The salaries shall be included in  
14 10 a two=week payroll period. Upon approval of the auditor of  
14 11 state the director of the department of administrative services  
14 12 may issue warrants for the payment of the vouchers and salary  
14 13 payments, ~~including a prorated amount for vacation and sick~~  
~~14 14 leave,~~ from any unappropriated funds in the state treasury.  
14 15 Repayment to the state shall be made as provided by section  
14 16 11.21.

14 17 Sec. 24. Section 11.21, Code 2011, is amended to read as  
14 18 follows:

14 19 11.21 Repayment ==== objections.

14 20 1. Upon payment by the state of the salary and expenses,  
14 21 the auditor of state shall file with the warrant=issuing  
14 22 officer of the ~~county, municipality or school,~~ governmental  
14 23 subdivision whose offices were audited or examined, a sworn  
14 24 statement consisting of the itemized expenses paid and prorated  
14 25 salary costs paid under section 11.20. Upon ~~audit and~~ approval  
14 26 by the ~~board of supervisors, council or school board, the~~  
~~14 27 warrant-issuing officer shall draw a warrant for the amount~~  
~~14 28 on the county, or on the general fund of the municipality or~~  
~~14 29 school in favor of the auditor of state, which warrant shall be~~  
~~14 30 placed to the credit of the general fund of the state governing~~  
14 31 body of the governmental subdivision, payment shall be made  
14 32 from the proper public funds of the governmental subdivision.  
14 33 In the event of the disapproval by the governing body of the  
14 34 governmental subdivision of any items of said included on the  
14 35 ~~statement by the county, municipality, or school authorities,~~



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15 1 written objections shall be filed with the auditor of state  
15 2 within thirty days from the filing ~~thereof~~ of the sworn  
15 3 statement with the warrant-issuing officer of the governmental  
15 4 subdivision. Disapproved items of the statement shall be paid  
15 5 the auditor of state upon receiving final decisions emanating  
15 6 from public hearing established by the auditor of state.  
15 7 2. ~~Whenever the county board of supervisors, the school~~  
15 8 ~~board, or the council shall file governing body of the~~  
15 9 governmental subdivision files written objections on the  
15 10 question of compensation and expenses with the auditor of  
15 11 state, the auditor or the auditor's representative shall hold  
15 12 a public hearing in the municipality governmental subdivision  
15 13 where the audit or examination was made and shall give the  
15 14 complaining board notice of the time and place of hearing.  
15 15 After such hearing the auditor shall have the power to reduce  
15 16 the compensation and expenses of the auditor whose bills have  
15 17 been questioned. Any auditor who shall be found guilty of  
15 18 ~~falsifying an expense voucher or engagement report shall be~~  
15 19 ~~immediately discharged by the auditor of state and shall not~~  
15 20 ~~be eligible for re-employment. Such auditor must thereupon~~  
15 21 ~~reimburse the auditor of state for all such compensation and~~  
15 22 ~~expenses so found to have been overpaid and in the event of~~  
15 23 ~~failure to do so, the auditor of state may collect the same~~  
15 24 ~~amount from the auditor's surety by suit, if necessary.~~  
15 25 Sec. 25. Section 11.28, Code 2011, is amended to read as  
15 26 follows:  
15 27 11.28 Individual audit or examination reports ~~---- copies.~~  
15 28 ~~1. The individual audit~~ Audit or examination reports  
15 29 shall include applicable exhibits, and schedules to report  
15 30 data similar to that required by section 11.4, findings, and  
15 31 recommendations. The format of the reports shall as nearly  
15 32 as possible correspond and be prepared similar in form to  
15 33 the audit reports rendered by certified public accountants  
15 34 comply with applicable professional accounting and auditing  
15 35 standards or procedures established by the auditor of state.



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16 1 ~~The reports shall include information as to the assets and~~  
16 2 ~~liabilities of the various departments and institutions audited~~  
16 3 ~~as of the beginning and close of the fiscal year audited, the~~  
16 4 ~~receipts and expenditures of cash, the disposition of materials~~  
16 5 ~~and other properties, and the net income and net operating~~  
16 6 ~~cost. The~~ Where applicable, the reports shall also set forth  
16 7 the average cost per year for the inmates, members, clients,  
16 8 patients, and students served in the various classifications  
16 9 ~~of expenses. The reports shall make comparisons of the~~  
16 10 ~~average costs and classifications, and shall give such other~~  
16 11 ~~information, suggestions, and recommendations as may be deemed~~  
16 12 ~~of advantage and to the best interests of the taxpayers of the~~  
16 13 ~~state.~~

16 14 2. ~~The daily audit report of the state treasury shall be~~  
16 15 ~~submitted to the director of the department of administrative~~  
16 16 ~~services and the director of the department of management.~~  
16 17 ~~Copies of all individual audit reports of all state departments~~  
16 18 ~~and establishments shall be transmitted to the directors'~~  
16 19 ~~offices after the completion of each audit, and copies of all~~  
16 20 ~~local government audits shall, until otherwise provided, be~~  
16 21 ~~also supplied to the directors' offices. Copies of the local~~  
16 22 ~~government audit reports shall also be supplied to the officers~~  
16 23 ~~of the counties, schools, and cities, as provided by law.~~  
16 24 ~~Summaries of the findings, recommendations, and comparisons,~~  
16 25 ~~together with any other information deemed essential, shall be~~  
16 26 ~~printed and distributed to members of the general assembly.~~

16 27 Sec. 26. Section 11.32, Code 2011, is amended to read as  
16 28 follows:

16 29 11.32 Certified accountants employed.

16 30 Nothing in this chapter ~~will~~ shall prohibit the auditor  
16 31 of state, with the prior written permission of the state  
16 32 executive council, from employing certified public accountants  
16 33 ~~or registered public accountants~~ for specific assignments.  
16 34 ~~Under the provision of this section, the~~ The auditor of state  
16 35 may employ such accountants for any assignment now expressly



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17 1 reserved to the auditor of state. Payments, after approval  
17 2 by the executive council, will be made to the accountants so  
17 3 employed from funds from which the auditor of state would have  
17 4 been paid had the auditor of state performed the assignment, or  
17 5 if no such specific funds are indicated, then payment will be  
17 6 made from the funds of the executive council.

17 7     Sec. 27. Section 11.41, Code 2011, is amended by adding the  
17 8 following new subsection:

17 9     NEW SUBSECTION. 1A. Auditors shall have the right while  
17 10 conducting audits or examinations to have full access to all  
17 11 papers, books, records, and documents of any officers or  
17 12 employees and shall have the right, in the presence of the  
17 13 custodian or the custodian's designee, to have full access  
17 14 to the cash drawers and cash in the official custody of the  
17 15 officer or employee and, during business hours, to examine the  
17 16 public accounts of the department or governmental subdivision  
17 17 in any depository which has public funds in its custody  
17 18 pursuant to the law.

17 19     Sec. 28. NEW SECTION. 11.42 Disclosures prohibited.

17 20     1. Notwithstanding chapter 22, information received during  
17 21 the course of any audit or examination, including allegations  
17 22 of misconduct or noncompliance, and all audit or examination  
17 23 work papers shall be maintained as confidential.

17 24     2. Information maintained as confidential as provided by  
17 25 this section may be disclosed for any of the following reasons:

17 26     a. As necessary to complete the audit or examination.

17 27     b. To the extent the auditor is required by law to report  
17 28 the same or to testify in court.

17 29     3. Upon completion of an audit or examination, a report  
17 30 shall be prepared as required by section 11.28 and all  
17 31 information included in the report shall be public information.

17 32     4. Any violation of this section shall be grounds for  
17 33 termination of employment with the auditor of state.

17 34     Sec. 29. NEW SECTION. 11.51 Subpoenas.

17 35     The auditor of state shall, in all matters pertaining to an



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18 1 authorized audit or examination, have power to issue subpoenas  
18 2 of all kinds, administer oaths and examine witnesses, either  
18 3 orally or in writing, and the expense attending the same,  
18 4 including the expense of taking oral examinations, shall be  
18 5 paid as other expenses of the auditor.

18 6     Sec. 30. NEW SECTION. 11.52 Refusal to testify.

18 7     In case any witness duly subpoenaed refuses to attend, or  
18 8 refuses to produce documents, books, and papers, or attends  
18 9 and refuses to make oath or affirmation, or, being sworn or  
18 10 affirmed, refuses to testify, the auditor of state or the  
18 11 auditor's designee may apply to the district court, or any  
18 12 judge of said district having jurisdiction thereof, for the  
18 13 enforcement of attendance and answers to questions as provided  
18 14 by law in the matter of taking depositions.

18 15     Sec. 31. NEW SECTION. 11.53 Report filed with county  
18 16 attorney.

18 17     If an audit or examination discloses any irregularity in the  
18 18 collection or disbursement of public funds, in the abatement  
18 19 of taxes, or other findings the auditor believes represent  
18 20 significant noncompliance, a copy of the report shall be filed  
18 21 with the county attorney, and it shall be the county attorney's  
18 22 duty to cooperate with the state auditor, and, in proper cases,  
18 23 with the attorney general, to secure the correction of the  
18 24 irregularity.

18 25     Sec. 32. NEW SECTION. 11.54 Duty of attorney general.

18 26     In the event an audit or examination discloses any grounds  
18 27 which would be grounds for removal from office, a copy of the  
18 28 report shall be provided and filed by the auditor of state in  
18 29 the office of the attorney general of the state, who shall  
18 30 thereupon take such action as, in the attorney general's  
18 31 judgment, the facts and circumstances warrant.

18 32     Sec. 33. NEW SECTION. 11.55 State auditors.

18 33     1. The auditor of state shall appoint such number of state  
18 34 auditors as may be necessary to make audits and examinations as  
18 35 required in this chapter. The auditors shall be of recognized





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19 1 skill and integrity and familiar with the system of accounting  
19 2 used in departments or governmental subdivisions and with the  
19 3 laws relating to the affairs of departments or governmental  
19 4 subdivisions. Such auditors shall be subject at all times to  
19 5 the direction of the auditor of state.

19 6 2. The auditor of state shall appoint such additional  
19 7 assistants to the auditors as may be necessary, who shall be  
19 8 subject to discharge at any time by the auditor of state.

19 9 3. Any auditor or assistant who is found guilty of  
19 10 falsifying a time and expense voucher or engagement report  
19 11 shall be immediately discharged by the auditor of state and  
19 12 shall not be eligible for reemployment. Such auditor or  
19 13 assistant must thereupon reimburse the auditor of state for all  
19 14 such compensation and expenses so found to have been overpaid  
19 15 and in the event of failure to do so, the auditor of state may  
19 16 collect the same amount from the auditor's surety by suit, if  
19 17 necessary.

19 18 Sec. 34. Section 123.58, Code 2011, is amended to read as  
19 19 follows:

19 20 123.58 Auditing.

19 21 All provisions of sections 11.6, ~~11.7, 11.10,~~ 11.11,  
19 22 11.14, 11.21, 11.41, and ~~11.23~~ 11.55, relating to auditing of  
19 23 financial records of governmental subdivisions which are not  
19 24 inconsistent with this chapter are applicable to the division  
19 25 and its offices, warehouses, and depots.

19 26 Sec. 35. Section 125.55, Code 2011, is amended to read as  
19 27 follows:

19 28 125.55 Audits.

19 29 All licensed substance abuse programs are subject to  
19 30 annual audit either by the auditor of state or in lieu  
19 31 of ~~the examination~~ an audit by the auditor of state the  
19 32 substance abuse program may contract with or employ certified  
19 33 public accountants to conduct the audit, in accordance with  
19 34 sections 11.6, 11.14, and 11.19. The audit format shall be  
19 35 as prescribed by the auditor of state. The certified public



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20 1 accountant shall submit a copy of the audit to the director.  
20 2 A licensed substance abuse program is also subject to special  
20 3 audits as the director requests. The licensed substance abuse  
20 4 program or the department shall pay all expenses incurred by  
20 5 the auditor of state in conducting an audit under this section.

20 6 Sec. 36. Section 216A.98, Code 2011, is amended to read as  
20 7 follows:

20 8 216A.98 Audit.

20 9 Each community action agency shall be audited annually but  
20 10 shall not be required to obtain a duplicate audit to meet the  
20 11 requirements of this section. In lieu of an audit by the  
20 12 auditor of state, the community action agency may contract  
20 13 with or employ a certified public accountant to conduct  
20 14 the audit, pursuant to the applicable terms and conditions  
20 15 prescribed by sections 11.6, 11.14, and 11.19 and an audit  
20 16 format prescribed by the auditor of state. Copies of each  
20 17 audit shall be furnished to the division in a manner prescribed  
20 18 by the division.

20 19 Sec. 37. Section 230A.16, subsection 3, Code 2011, is  
20 20 amended to read as follows:

20 21 3. Arrange for the financial condition and transactions  
20 22 of the community mental health center to be audited once  
20 23 each year by the auditor of state. However, in lieu of an  
20 24 audit by state accountants, the local governing body of a  
20 25 community mental health center organized under this chapter may  
20 26 contract with or employ certified public accountants to conduct  
20 27 the audit, pursuant to the applicable terms and conditions  
20 28 prescribed by sections 11.6, 11.14, and 11.19 and audit format  
20 29 prescribed by the auditor of state. Copies of each audit shall  
20 30 be furnished by the accountant to the administrator of the  
20 31 division of mental health and disability services and the board  
20 32 of supervisors supporting the audited community mental health  
20 33 center.

20 34 Sec. 38. Section 279.38, subsection 2, Code 2011, is amended  
20 35 to read as follows:



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21 1 2. The financial condition and transactions of the Iowa  
21 2 association of school boards shall be audited ~~in the same~~  
~~21 3 manner as school corporations~~ as provided in section 11.6.  
21 4 In addition, annually the Iowa association of school boards  
21 5 shall publish a listing of the school districts and the  
21 6 annual dues paid by each, the total revenue the association  
21 7 receives from each school district resulting from the payment  
21 8 of membership fees and the sale of products and services to  
21 9 the school district by the association or its affiliated  
21 10 for-profit entities, and shall publish an accounting of all  
21 11 moneys expended for expenses incurred by and salaries paid to  
21 12 legislative representatives and lobbyists of the association.  
21 13 In addition, the association shall submit to the general  
21 14 assembly copies of all reports the association provides to  
21 15 the United States department of education relating to federal  
21 16 grants and grant amounts that the association or its affiliated  
21 17 for-profit entities administer or distribute to school  
21 18 districts. The Iowa association of school boards is subject  
21 19 to chapters 21 and 22 relating to open meetings and public  
21 20 records.  
21 21 Sec. 39. Section 331.756, subsection 11, Code 2011, is  
21 22 amended to read as follows:  
21 23 11. Cooperate with the auditor of state to secure correction  
21 24 of a financial irregularity as provided in section ~~11.15~~ 11.53.  
21 25 Sec. 40. Section 364.5, unnumbered paragraph 2, Code 2011,  
21 26 is amended to read as follows:  
21 27 The financial condition and the transactions of the Iowa  
21 28 league of cities shall be audited ~~in the same manner as cities~~  
21 29 as provided in section 11.6.  
21 30 Sec. 41. REPEAL. Sections 11.7 through 11.10, 11.12, 11.13,  
21 31 11.15 through 11.17, 11.23, 11.25, and 11.27, Code 2011, are  
21 32 repealed.  
21 33 EXPLANATION  
21 34 This bill makes changes relating to the duties and  
21 35 responsibilities of the auditor of state.



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22 1 Code section 11.1 is amended to define examination as a  
22 2 procedure less in scope than an audit but which is directed  
22 3 at reviewing financial activities and compliance with legal  
22 4 requirements. "Governmental subdivision" is also defined to  
22 5 mean cities, administrative agencies of cities, city hospitals,  
22 6 counties, county hospitals, memorial hospitals, Code chapter  
22 7 28E entities, community colleges, area education agencies, and  
22 8 school districts.  
22 9 Code section 11.2, concerning annual settlements and audits,  
22 10 is amended to eliminate language referring to settlement  
22 11 between state officers and persons receiving or expending state  
22 12 funds, but the requirement to make an annual audit remains.  
22 13 The Code section is also amended to eliminate the requirement  
22 14 to make a quarterly preliminary audit of the educational  
22 15 institutions of the state and the state fair board. The Code  
22 16 section is also amended to provide that departments notify the  
22 17 auditor regarding any suspected embezzlement, theft, or other  
22 18 financial irregularities.  
22 19 Code section 11.4, concerning reports of audits, is amended  
22 20 to eliminate the requirement that the written reports contain  
22 21 comparisons of prices paid and terms obtained by the various  
22 22 departments for goods and services and the reasons, if any, if  
22 23 they differ.  
22 24 Code section 11.6, concerning the auditing and examination  
22 25 of governmental subdivisions, is amended.  
22 26 Code section 11.6(1), concerning what governmental  
22 27 subdivisions are subject to audit, is amended. The bill adds  
22 28 community mental health centers, substance abuse programs, and  
22 29 community action agencies to the list of entities requiring an  
22 30 annual audit.  
22 31 Code section 11.6(2), concerning the employment of certified  
22 32 public accountants by a governmental subdivision, is amended to  
22 33 provide that a written request for proposals process be used to  
22 34 employ such accountants.  
22 35 Code section 11.6(4) is amended to increase from 50 to 100



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23 1 the number of eligible electors of a governmental subdivision  
23 2 needed to sign a petition for a reaudit of that governmental  
23 3 subdivision.  
23 4 Code section 11.6(7), concerning notification of suspected  
23 5 theft or embezzlement, is amended to provide that governmental  
23 6 subdivisions are also required to provide this notice and to  
23 7 provide that the certified public accountant performing the  
23 8 audit and the governmental subdivision also notify the auditor  
23 9 of state if other significant financial irregularities are  
23 10 suspected.  
23 11 Code section 11.6(9) is amended to include the Iowa league of  
23 12 cities and the Iowa association of school boards as entities  
23 13 to be audited on an annual basis. Current law provides for an  
23 14 audit of these entities under Code sections 279.38 and 364.5  
23 15 and those Code sections are amended to reflect placement of  
23 16 this requirement to audit in Code section 11.6.  
23 17 Code section 11.6 is amended by adding a new subsection that  
23 18 provides that governmental subdivisions keep records current  
23 19 and in a format to exhibit in the reports the matters required  
23 20 by the auditor of state.  
23 21 Code section 11.7, concerning appointment of state  
23 22 auditors, is repealed, but the substance of the Code section  
23 23 is transferred to new Code section 11.55, except that the bill  
23 24 would remove the current bond requirement of \$2,000 for each  
23 25 state auditor.  
23 26 Code section 11.8, concerning assistants to state auditors,  
23 27 is repealed, but the substance of the Code section is  
23 28 transferred to new Code section 11.55.  
23 29 Code section 11.9, concerning certain local government  
23 30 auditors' salaries and expenses, is repealed.  
23 31 Code section 11.10, concerning examinations, is repealed,  
23 32 but the substance of the Code section is transferred to Code  
23 33 section 11.41, subsection 1A.  
23 34 Code section 11.11, concerning scope of audits, is amended  
23 35 to provide that the audit include an opinion about whether



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24 1 a governmental subdivision's financial statements are in  
24 2 conformity with generally accepted accounting principles or  
24 3 with an other comprehensive basis of accounting.  
24 4 Code section 11.12, concerning subpoenas, is repealed, but  
24 5 the substance of the Code section is transferred to new Code  
24 6 section 11.51.  
24 7 Code section 11.13, concerning refusal to testify, is  
24 8 repealed, but the substance of the Code section is transferred  
24 9 to new Code section 11.52.  
24 10 Code section 11.14, concerning reports and public  
24 11 inspection, is amended to provide that written audit or  
24 12 examination reports shall be provided to the governmental  
24 13 subdivision and filed with the auditor of state. Current  
24 14 requirements to produce reports in triplicate and to deliver  
24 15 copies to certain designated individuals is eliminated.  
24 16 Code section 11.15, concerning reports filed with the county  
24 17 attorney, is repealed, but the substance of the Code section is  
24 18 transferred to new Code section 11.53.  
24 19 Code section 11.16, concerning the duty of the attorney  
24 20 general, is repealed, but the substance of the Code section is  
24 21 transferred to new Code section 11.54.  
24 22 Code section 11.17, concerning prohibited disclosures, is  
24 23 repealed, but the substance of the Code section is transferred  
24 24 to new Code section 11.42.  
24 25 Code section 11.19, concerning the auditor's powers and  
24 26 duties, is amended to eliminate the requirement that reports be  
24 27 open to public inspection and eliminates the criminal penalty  
24 28 for failing to permit inspection of reports that have been  
24 29 filed with the auditor of state. Provisions concerning the  
24 30 forwarding of notice that a report has been filed to the local  
24 31 media are also stricken from this Code section. Code section  
24 32 11.14 still provides that the report is available for public  
24 33 inspection and submitted to local media.  
24 34 Code section 11.20, concerning salary payments to auditors,  
24 35 is amended by striking the provision allowing for a prorated



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25 1 amount for vacation and sick leave.  
25 2 Code section 11.21, concerning repayment of auditors, is  
25 3 amended to provide that the provisions of this Code section  
25 4 apply to governmental subdivisions. The provision of this  
25 5 Code section providing for the discharge of auditors who shall  
25 6 be found guilty of falsifying an expense voucher is stricken  
25 7 from this Code section, but the substance of this provision is  
25 8 transferred to new Code section 11.55.  
25 9 Code section 11.23, providing that each school officer  
25 10 install and use a system of uniform blanks and forms, is  
25 11 repealed.  
25 12 Code sections 11.25 and 11.27, concerning the requirement of  
25 13 the auditor to submit a biennial report to the governor and to  
25 14 make individual audit reports, are repealed.  
25 15 Code section 11.28, concerning individual audit reports, is  
25 16 amended by striking requirements relative to the submission  
25 17 of the daily audit report and required copies of certain  
25 18 audit reports. The bill also provides that the format of the  
25 19 reports shall comply with applicable professional standards or  
25 20 procedures established by the auditor.  
25 21 Code section 11.32 is amended to strike a reference to  
25 22 the auditor having the authority to employ registered public  
25 23 accountants. The current reference to employing certified  
25 24 public accountants is unchanged by the bill.  
LSB 1179XD (14) 84  
aw/sc



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## House Study Bill 93

HOUSE FILE

BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON TJEPKES)

### A BILL FOR

1 An Act relating to the use of automated traffic enforcement  
2 systems.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 2254YC (10) 84  
dea/rj





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1 1 Section 1. Section 321.1, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 95. "Automated traffic enforcement system"  
1 4 means a device with one or more sensors working in conjunction  
1 5 with at least one of the following:  
1 6 a. An official traffic=control signal, to produce recorded  
1 7 images of motor vehicles entering an intersection against a  
1 8 flashing red or steady circular red light.  
1 9 b. An official traffic=control signal at a railroad grade  
1 10 crossing, as described in section 321.342, to produce recorded  
1 11 images of vehicles violating a flashing red or steady circular  
1 12 red light.  
1 13 c. A speed measuring device, to produce recorded images of  
1 14 motor vehicles travelling at a prohibited rate of speed.  
1 15 Sec. 2. NEW SECTION. 321.5A Automated traffic enforcement  
1 16 systems.  
1 17 The state or a local authority shall not use an automated  
1 18 traffic enforcement system except as provided in this section.  
1 19 1. A local authority may by ordinance authorize the use of  
1 20 automated traffic enforcement systems to detect violations of  
1 21 posted speed limits or official traffic=control signals which  
1 22 constitute municipal or county infractions.  
1 23 2. A local authority using one or more automated traffic  
1 24 enforcement systems shall erect a sign providing notice of the  
1 25 use of automated traffic enforcement at that point on every  
1 26 highway that intersects the jurisdictional limits of the local  
1 27 authority. A sign shall also be posted by the local authority  
1 28 on each road on the approach to the next speed limit zone or  
1 29 official traffic=control signal on that road where an automated  
1 30 traffic enforcement system is in use.  
1 31 3. Recorded images produced by an automated traffic  
1 32 enforcement system evidencing a violation of a posted speed  
1 33 limit or an official traffic=control signal shall be verified  
1 34 by a peace officer of the law enforcement agency and certified  
1 35 by the chief officer of the law enforcement agency or the



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2 1 chief officer's designee. A citation or simple notice of  
2 2 a fine mailed or delivered to the registered owner of the  
2 3 vehicle involved in the violation shall be accompanied by such  
2 4 certification.

2 5 4. A local authority shall not establish a penalty in excess  
2 6 of fifty dollars for a violation detected by an automated  
2 7 traffic enforcement system.

2 8 Sec. 3. EXISTING AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS ====  
2 9 VALIDITY OF PRIOR NOTICES AND CITATIONS. Notices mailed or  
2 10 citations issued of violations committed prior to the effective  
2 11 date of this Act, pursuant to a local ordinance authorizing the  
2 12 use of an automated traffic enforcement system, shall not be  
2 13 invalidated by the enactment of this Act and shall be processed  
2 14 according to the provisions of the law under which they were  
2 15 authorized.

2 16 EXPLANATION

2 17 This bill authorizes and restricts the use of automated  
2 18 traffic enforcement (ATE) systems by state and local highway  
2 19 authorities.

2 20 The bill defines "automated traffic enforcement system" as  
2 21 a device with one or more sensors working in conjunction with  
2 22 at least one of the following: an official traffic=control  
2 23 signal at an intersection, an official traffic=control signal  
2 24 at a railroad grade crossing, or a speed measuring device. An  
2 25 ATE system records images of vehicles violating an associated  
2 26 traffic=control signal or a speed limit. The definition  
2 27 includes within its scope devices known as "red light cameras"  
2 28 and "speed cameras".

2 29 The bill authorizes the use of ATE systems in conjunction  
2 30 with official traffic=control signals or for the enforcement  
2 31 of speed limits pursuant to municipal or county ordinance. A  
2 32 local authority using one or more ATE systems is required to  
2 33 provide notice of the use of ATE by posting signs on highways  
2 34 intersecting the jurisdictional limits of the local authority.  
2 35 In addition, signs must be posted on each road on the approach



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3 1 to the next speed limit zone or traffic=control signal on that  
3 2 road where an ATE system is in use.  
3 3 Before a notice of a fine or a citation is mailed or  
3 4 delivered to the owner of a motor vehicle, the recorded  
3 5 image evidencing the violation must be verified by a peace  
3 6 officer of the law enforcement agency and certified by the  
3 7 chief law enforcement officer or the officer's designee. The  
3 8 bill provides that a fine imposed by a local authority for a  
3 9 violation detected by an ATE system shall not exceed \$50.  
3 10 The bill provides that notices mailed or citations issued of  
3 11 violations committed prior to the effective date of the bill,  
3 12 pursuant to a local ordinance, are not invalidated by the bill  
3 13 and remain enforceable.

LSB 2254YC (10) 84

dea/rj



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## House Study Bill 94

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON TJEPKES)

### A BILL FOR

1 An Act allowing the department of transportation to accept  
2 reports from advanced registered nurse practitioners  
3 disclosing a physical or mental condition that renders a  
4 person incompetent to operate a motor vehicle.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1835HC (2) 84  
dea/nh



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1 1 Section 1. Section 321.186, subsection 4, Code 2011, is  
1 2 amended to read as follows:  
1 3 4. A physician licensed under chapter 148, an advanced  
1 4 registered nurse practitioner licensed under chapter 152  
1 5 and registered with the board of nursing, or an optometrist  
1 6 licensed under chapter 154 may report to the department  
1 7 the identity of a person who has been diagnosed as having a  
1 8 physical or mental condition which would render the person  
1 9 physically or mentally incompetent to operate a motor vehicle  
1 10 in a safe manner. The physician, advanced registered nurse  
1 11 practitioner, or optometrist shall make reasonable efforts  
1 12 to notify the person who is the subject of the report, in  
1 13 writing. The written notification shall state the nature of  
1 14 the disclosure and the reason for the disclosure. A physician,  
1 15 advanced registered nurse practitioner, or optometrist making a  
1 16 report under this section shall be immune from any liability,  
1 17 civil or criminal, which might otherwise be incurred or imposed  
1 18 as a result of the report. A physician, advanced registered  
1 19 nurse practitioner, or optometrist has no duty to make a  
1 20 report or to warn third parties with regard to any knowledge  
1 21 concerning a person's mental or physical competency to operate  
1 22 a motor vehicle in a safe manner. Any report received by  
1 23 the department from a physician, advanced registered nurse  
1 24 practitioner, or optometrist under this section shall be kept  
1 25 confidential. Information regulated by chapter 141A shall be  
1 26 subject to the confidentiality provisions and remedies of that  
1 27 chapter.

1 28 EXPLANATION  
1 29 Under current law, the department of transportation has the  
1 30 authority to determine if an applicant for a driver's license  
1 31 or a person who holds a valid driver's license is physically  
1 32 or mentally incompetent to drive. The department may order an  
1 33 examination or may act on the confidential report of a licensed  
1 34 physician or optometrist disclosing the identity of a person  
1 35 who has been diagnosed with a physical or mental condition



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2 1 which would render the person incompetent to operate a motor  
2 2 vehicle in a safe manner. A physician or optometrist who makes  
2 3 such a report is required to attempt to notify the person who  
2 4 is the subject of the report in writing, stating the nature  
2 5 of the disclosure and the reason for the disclosure. The  
2 6 reporting physician or optometrist is immune from civil or  
2 7 criminal liability that might otherwise be incurred or imposed  
2 8 as a result of the report.

2 9 This bill allows a licensed advanced registered nurse  
2 10 practitioner who is registered with the board of nursing to  
2 11 make the same kind of report to the department regarding a  
2 12 diagnosis affecting a person's ability to operate a motor  
2 13 vehicle. An advanced registered nurse practitioner who makes  
2 14 a report to the department has the same responsibilities and  
2 15 protections that currently apply to a physician or optometrist  
2 16 in connection with a report.

LSB 1835HC (2) 84

dea/nh



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## House Study Bill 95

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

### A BILL FOR

1 An Act relating to operating=while=intoxicated offenses and  
2 providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 2107HC (4) 84  
rh/nh



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1 1 Section 1. Section 321J.2, subsection 2, Code 2011, is  
1 2 amended to read as follows:

1 3 2. A person who violates subsection 1 commits:

1 4 a. A serious misdemeanor for the first offense.

1 5 b. An aggravated misdemeanor for a second offense.

1 6 c. A class "D" felony for a third offense ~~and each~~  
~~1 7 subsequent offense.~~

1 8 d. A class "C" felony for a fourth offense and each  
1 9 subsequent offense.

1 10 Sec. 2. Section 321J.2, Code 2011, is amended by adding the  
1 11 following new subsection:

1 12 NEW SUBSECTION. 5A. A fourth offense and each subsequent  
1 13 offense is punishable by all of the following:

1 14 a. Commitment to the custody of the director of the  
1 15 department of corrections for an indeterminate term not to  
1 16 exceed ten years.

1 17 b. Assessment of a minimum fine of five thousand six hundred  
1 18 seventy-five dollars and a maximum fine of twelve thousand  
1 19 five hundred dollars. Surcharges and fees shall be assessed  
1 20 pursuant to chapter 911.

1 21 c. Revocation of the person's driver's license for a period  
1 22 of six years pursuant to section 321J.4, subsection 4.

1 23 d. Assignment to substance abuse evaluation and treatment, a  
1 24 course for drinking drivers, and, if available and appropriate,  
1 25 a reality education substance abuse program pursuant to section  
1 26 321J.24.

1 27 Sec. 3. Section 321J.3, subsection 1, paragraph a, Code  
1 28 2011, is amended to read as follows:

1 29 a. In addition to orders issued pursuant to section 321J.2,  
1 30 subsections 3, 4, ~~and 5~~, and 5A, and section 321J.17, the court  
1 31 shall order any defendant convicted under section 321J.2 to  
1 32 follow the recommendations proposed in the substance abuse  
1 33 evaluation for appropriate substance abuse treatment for the  
1 34 defendant. Court-ordered substance abuse treatment is subject  
1 35 to the periodic reporting requirements of section 125.86.





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2 1 Sec. 4. Section 321J.4B, Code 2011, is amended by adding the  
2 2 following new subsection:

2 3 NEW SUBSECTION. 6A. Upon conviction of the defendant for a  
2 4 third or subsequent violation of section 321J.2 or 321J.2A, the  
2 5 court shall order, if the convicted person is the owner of the  
2 6 motor vehicle used in the commission of the offense, that the  
2 7 motor vehicle be seized and forfeited to the state pursuant to  
2 8 chapters 809 and 809A.

2 9 Sec. 5. Section 321J.5, Code 2011, is amended to read as  
2 10 follows:

2 11 321J.5 Preliminary screening test.

2 12 1. When a peace officer has reasonable grounds to believe  
2 13 that either of the following have occurred, the peace  
2 14 officer may request that the operator provide a sample of the  
2 15 operator's breath for a preliminary screening test using a  
2 16 device approved by the commissioner of public safety for that  
2 17 purpose:

2 18 a. A motor vehicle operator may be violating or has violated  
2 19 section 321J.2 or 321J.2A.

2 20 b. The operator has been involved in a motor vehicle  
2 21 collision resulting in injury or death.

2 22 2. a. The results of this preliminary screening test may be  
2 23 used for the purpose of deciding whether an arrest should be  
2 24 made or whether to request a chemical test authorized in this  
2 25 chapter, ~~but shall not be used in any court action except to~~  
~~2 26 prove that a chemical test was properly requested of a person~~  
~~2 27 pursuant to this chapter.~~

2 28 b. If a person refuses to submit to a chemical test,  
2 29 evidence of the results, if available, of the person's  
2 30 preliminary screening test conducted pursuant to this section  
2 31 is admissible in any civil or criminal action or proceeding  
2 32 arising out of acts alleged to have been committed while the  
2 33 person was operating a motor vehicle in violation of section  
2 34 321J.2 or 321J.2A.

2 35 Sec. 6. Section 321J.10A, Code 2011, is amended to read as



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3 1 follows:  
3 2 321J.10A Blood, breath, or urine specimen withdrawal without  
3 3 a warrant ==== misdemeanor.  
3 4 1. Notwithstanding section 321J.10, if a person is under  
3 5 arrest for an offense arising out of acts alleged to have been  
3 6 committed while the person was operating a motor vehicle in  
3 7 violation of section 321J.2, subsection 2, paragraph "a" or "b"  
3 8 or section 321J.2A, and that arrest results from an accident  
3 9 that causes a death or personal injury reasonably likely to  
3 10 cause death, a chemical test of blood may be administered  
3 11 without the consent of the person arrested to determine the  
3 12 amount of alcohol or a controlled substance in that person's  
3 13 blood if all of the following circumstances exist:  
3 14 a. The peace officer reasonably believes the blood drawn  
3 15 will produce evidence of intoxication.  
3 16 b. The method used to take the blood sample is reasonable  
3 17 and performed in a reasonable manner by medical personnel under  
3 18 section 321J.11.  
3 19 c. The peace officer reasonably believes the officer is  
3 20 confronted with an emergency situation in which the delay  
3 21 necessary to obtain a warrant under section 321J.10 threatens  
3 22 the destruction of the evidence.  
3 23 2. If the person from whom a specimen of blood is to be  
3 24 withdrawn objects to the withdrawal, a breath or urine sample  
3 25 may be taken under the following circumstances:  
3 26 a. If the person is capable of giving a specimen of breath,  
3 27 and a direct breath testing instrument is readily available,  
3 28 the withdrawal of a specimen of the person's breath may be  
3 29 taken for chemical testing, unless the peace officer has  
3 30 reasonable grounds to believe that the person was under the  
3 31 influence of a controlled substance, a drug other than alcohol,  
3 32 or a combination of alcohol and another drug.  
3 33 b. If the peace officer has reasonable grounds to believe  
3 34 that the person was under the influence of a controlled  
3 35 substance, a drug other than alcohol, or a combination of



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4 1 alcohol and another drug, a urine sample shall be collected in  
4 2 lieu of a blood sample, if the person is capable of giving a  
4 3 urine sample and the sample can be collected.  
4 4 Sec. 7. NEW SECTION. 321J.10B Blood, breath, or urine  
4 5 specimen withdrawal without a warrant ==== felony.  
4 6 1. Notwithstanding section 321J.10, if a person is under  
4 7 arrest for an offense arising out of acts alleged to have  
4 8 been committed while the person was operating a motor vehicle  
4 9 in violation of section 321J.2, subsection 2, paragraph "c"  
4 10 or "d", a chemical test of blood may be administered without  
4 11 the consent of the person arrested to determine the amount of  
4 12 alcohol or a controlled substance in that person's blood if all  
4 13 of the following circumstances exist:  
4 14 a. The peace officer reasonably believes the blood drawn  
4 15 will produce evidence of intoxication.  
4 16 b. The method used to take the blood sample is reasonable  
4 17 and performed in a reasonable manner by medical personnel under  
4 18 section 321J.11.  
4 19 c. The peace officer reasonably believes the officer is  
4 20 confronted with an emergency situation in which the delay  
4 21 necessary to obtain a warrant under section 321J.10 threatens  
4 22 the destruction of the evidence.  
4 23 2. If the person from whom a specimen of blood is to be  
4 24 withdrawn objects to the withdrawal, a breath or urine sample  
4 25 may be taken under the following circumstances:  
4 26 a. If the person is capable of giving a specimen of breath,  
4 27 and a direct breath testing instrument is readily available,  
4 28 the withdrawal of a specimen of the person's breath may be  
4 29 taken for chemical testing, unless the peace officer has  
4 30 reasonable grounds to believe that the person was under the  
4 31 influence of a controlled substance, a drug other than alcohol,  
4 32 or a combination of alcohol and another drug.  
4 33 b. If the peace officer has reasonable grounds to believe  
4 34 that the person was under the influence of a controlled  
4 35 substance, a drug other than alcohol, or a combination of



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5 1 alcohol and another drug, a urine sample shall be collected in  
5 2 lieu of a blood sample, if the person is capable of giving a  
5 3 urine sample and the sample can be collected.

5 4 Sec. 8. Section 707.6A, subsection 6, Code 2011, is amended  
5 5 to read as follows:

5 6 6. Except for the purpose of sentencing under section  
5 7 321J.2, subsections 3, 4, ~~and~~ 5, and 5A, a conviction or  
5 8 deferral of judgment for a violation of this section, where a  
5 9 violation of section 321J.2 is admitted or proved, shall be  
5 10 treated as a conviction or deferral of judgment for a violation  
5 11 of section 321J.2 for the purposes of chapters 321, 321A, and  
5 12 321J, and section 907.3, subsection 1.

5 13 Sec. 9. Section 907.3, subsection 3, paragraph c,  
5 14 unnumbered paragraph 1, Code 2011, is amended to read as  
5 15 follows:

5 16 A mandatory minimum sentence of incarceration imposed  
5 17 pursuant to a violation of section 321J.2, subsection 1;  
5 18 furthermore, the court shall not suspend any part of a sentence  
5 19 not involving incarceration imposed pursuant to section 321J.2,  
5 20 subsection 3, 4, ~~or~~ 5, or 5A, beyond the mandatory minimum if  
5 21 any of the following apply:

5 22 EXPLANATION

5 23 This bill creates a new class "C" felony for a fourth  
5 24 or subsequent operating=while=intoxicated (OWI) criminal  
5 25 offense in violation of Code chapter 321J (Iowa's  
5 26 operating=while=intoxicated law), punishable by confinement  
5 27 for no more than 10 years and a fine of between \$5,675 and  
5 28 \$12,500, revocation of the person's driver's license for a  
5 29 six=year period, a substance abuse evaluation and treatment, a  
5 30 course for drinking drivers, and, if available and appropriate,  
5 31 a reality education substance abuse program. The bill makes  
5 32 conforming changes to Code sections 321J.3 (rules relating to  
5 33 substance abuse evaluation or treatment), 707.6A (homicide or  
5 34 serious injury by vehicle), and 907.3 (provisions relating to  
5 35 deferred judgments, deferred sentences, or suspended sentences



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6 1 in OWI cases).

6 2 The bill provides that if a person is convicted of a third  
6 3 or subsequent violation of Code chapter 321J.2 or 321J.2A  
6 4 (offenders under 21 years of age), the court shall order, if  
6 5 the convicted person is the owner of the motor vehicle used in  
6 6 the commission of the offense, that the motor vehicle be seized  
6 7 and forfeited to the state pursuant to Code chapters 809 and  
6 8 809A.

6 9 Current law provides that if a person is under arrest  
6 10 for an OWI offense (misdemeanor or felony) and that arrest  
6 11 results from an accident that causes a death or personal injury  
6 12 reasonably likely to cause death, a chemical test of blood  
6 13 may be taken without the consent of the person arrested to  
6 14 determine the amount of alcohol or a controlled substance in  
6 15 that person's blood if the peace officer reasonably believes  
6 16 the blood drawn will produce evidence of intoxication,  
6 17 the method used to take the blood sample is reasonable and  
6 18 performed pursuant to Code section 321J.11, and the peace  
6 19 officer reasonably believes the officer is confronted with an  
6 20 emergency situation. The bill makes this provision applicable  
6 21 to first and second OWI offenses (misdemeanors) and creates  
6 22 a similar provision allowing the involuntary withdrawal of a  
6 23 blood, breath, or urine specimen from a person under arrest  
6 24 for a felony-level OWI offense under similar circumstances;  
6 25 however, this new provision does not require that an accident  
6 26 causing death or personal injury reasonably likely to cause a  
6 27 death occur.

LSB 2107HC (4) 84

rh/nh



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## House Study Bill 96

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON ANDERSON)

**A BILL FOR**

1 An Act relating to the conveyance or encumbrance of a homestead  
2 by a spouse.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1667HC (5) 84  
rh/sc



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1 1 Section 1. Section 561.13, Code 2011, is amended to read as  
1 2 follows:

1 3 561.13 Conveyance or encumbrance.

1 4 1. A conveyance or encumbrance of, or a contract to convey  
1 5 or encumber the homestead, if the owner is married, ~~is not~~  
~~1 6 valid, unless and until the spouse of the owner executes may~~  
1 7 be invalidated by a spouse who has not executed the same or a  
1 8 like instrument, or a power of attorney for the execution of  
1 9 the same or a like instrument. However, when the homestead is  
1 10 conveyed or encumbered along with or in addition to other real  
1 11 estate, it is not necessary to particularly describe or set  
1 12 aside the tract of land constituting the homestead, whether the  
1 13 homestead is exclusively the subject of the contract or not,  
1 14 but the contract may be enforced as to real estate other than  
1 15 the homestead at the option of the purchaser or encumbrancer.

1 16 2. If a spouse who holds only homestead rights and surviving  
1 17 spouse's statutory share in the homestead specifically  
1 18 relinquishes homestead rights in an instrument, including  
1 19 a power of attorney constituting the other spouse as the  
1 20 husband's or wife's attorney in fact, as provided in section  
1 21 597.5, it is not necessary for the spouse to join in the  
1 22 granting clause of the same or a like instrument.

1 23 3. A conveyance or encumbrance or a contract to convey or  
1 24 encumber the homestead is not invalid under subsection 1 if any  
1 25 of the following apply:

1 26 a. The nonsigning spouse's interest is terminated by divorce  
1 27 or other order of the court.

1 28 b. The nonsigning spouse voluntarily abandons the homestead  
1 29 for a minimum of six consecutive months.

1 30 c. Section 614.15 or 654.12B applies.

1 31 d. Voiding the conveyance or encumbrance or the contract  
1 32 to convey or encumber the homestead would unjustly enrich the  
1 33 nonsigning spouse or any party to the transaction or the series  
1 34 of transactions associated with it.

1 35 4. For the purposes of this section, "nonsigning spouse"



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House Study Bill 96 continued

2 1 means a spouse who has not executed a conveyance or encumbrance  
2 2 or a contract to convey or encumber the homestead, the same or  
2 3 a like instrument, or a power of attorney for the execution of  
2 4 the same or a like instrument.

2 5 5. For the purposes of this section, a document that  
2 6 provides all of the following meets the requirement of a "same  
2 7 or a like instrument":

2 8 a. Includes information sufficiently identifying the  
2 9 original conveyance, encumbrance, or contract.

2 10 b. Releases the homestead rights and surviving spouse's  
2 11 statutory share in the homestead.

2 12 EXPLANATION

2 13 This bill provides that the conveyance or encumbrance of a  
2 14 homestead by a married person who is the owner of the homestead  
2 15 is not automatically invalid if the person's spouse has not  
2 16 joined in the conveyance or encumbrance. Such a spouse must  
2 17 take action to invalidate the conveyance or encumbrance.

2 18 The bill further provides that a conveyance or encumbrance  
2 19 or a contract to convey or encumber the homestead is not  
2 20 invalid under subsection 1 if the nonsigning spouse's interest  
2 21 is terminated by divorce or other order of the court, the  
2 22 nonsigning spouse voluntarily abandons the homestead for  
2 23 a minimum of six consecutive months, Code sections 614.15  
2 24 (relating to the general statute of limitations for the failure  
2 25 of a spouse to convey or transfer an interest in real estate)  
2 26 and 654.12B (relating to the priority status of a purchase  
2 27 money mortgage lien over all other mortgages) applies, or if  
2 28 voiding the conveyance or encumbrance would unjustly enrich the  
2 29 nonsigning spouse or any party to the transaction.

2 30 The bill defines a "nonsigning spouse" as a spouse who  
2 31 has not executed a conveyance or encumbrance or the contract  
2 32 to convey or encumber the homestead, the same or a like  
2 33 instrument, or a power of attorney for a same or a like  
2 34 instrument. A "same or a like instrument" document must  
2 35 include information sufficiently identifying the original





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House Study Bill 96 continued

3 1 conveyance, encumbrance, or contract and must release the  
3 2 homestead rights and the surviving spouse's statutory share in  
3 3 the homestead.

LSB 1667HC (5) 84

rh/sc



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**House Study Bill 97**

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON MILLER)

**A BILL FOR**

1 An Act exempting certain outpatient surgical facilities from  
2 certificate of need requirements.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2401YC (1) 84  
jr/rj



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House Study Bill 97 continued

PAG LIN

1 1 Section 1. Section 135.63, subsection 2, Code 2011, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. q. An outpatient surgical facility.  
1 4 EXPLANATION  
1 5 This bill exempts ambulatory surgical centers from the  
1 6 certificate of need requirements. Ambulatory surgery centers  
1 7 are generally medical facilities that specialize in elective  
1 8 same=day or outpatient surgical procedures. They do not offer  
1 9 emergency care.  
LSB 2401YC (1) 84  
jr/rj



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## House Study Bill 98

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON MILLER)

### A BILL FOR

1 An Act exempting certain outpatient surgical facilities located  
2 in certain areas of the state from certificate of need  
3 requirements.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2408YC (4) 84  
jr/rj



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House Study Bill 98 continued

PAG LIN

1 1 Section 1. Section 135.63, subsection 2, Code 2011, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. q. An outpatient surgical facility located  
1 4 in a county with a population of more than two hundred  
1 5 thousand, but less than three hundred thousand according to the  
1 6 2009 estimate of the United States census bureau.

1 7 EXPLANATION

1 8 This bill exempts ambulatory surgical centers from the  
1 9 certificate of need requirements if the facility is located  
1 10 in a county with a population of greater than 200,000, but  
1 11 less than 300,000 according to the 2009 estimate of the  
1 12 United States census bureau. Ambulatory surgical centers  
1 13 are generally medical facilities that specialize in elective  
1 14 same-day or outpatient surgical procedures. They do not offer  
1 15 emergency care.

LSB 2408YC (4) 84

jr/rj



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## House Study Bill 99

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON SWEENEY)

**A BILL FOR**

1 An Act relating to preferred stock issued by cooperative  
2 associations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2141HC (2) 84  
da/nh



Iowa General Assembly  
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House Study Bill 99 continued

PAG LIN

1 1 Section 1. Section 499.24, Code 2011, is amended to read as  
1 2 follows:

1 3 499.24 Preferred stock.

1 4 Preferred stock shall bear cumulative or noncumulative

1 5 dividends as fixed by the articles, ~~not exceeding eight percent~~

~~1 6 per annum.~~ It shall have no vote. It shall be issued and

1 7 be transferable without regard to eligibility or membership,

1 8 and be redeemable on terms specified in the articles and as

1 9 provided for in this chapter. The directors shall determine

1 10 the time and amount of its issue.

1 11 EXPLANATION

1 12 This bill relates to preferred stock issued by a cooperative

1 13 association organized under Code chapter 499. It eliminates a

1 14 requirement that the stock's dividends cannot earn more than 8

1 15 percent per annum.

LSB 2141HC (2) 84

da/nh



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## Senate Amendment 3010

PAG LIN

1 1 Amend Senate File 209 as follows:

1 2 #1. Page 9, lines 2 and 3, by striking <for tax  
1 3 years beginning before January 1, 2011>

1 4 #2. Page 10, lines 26 and 27, by striking <for tax  
1 5 years beginning before January 1, 2011>

COMMITTEE ON APPROPRIATIONS  
ROBERT E. DVORSKY, CHAIRPERSON  
SF209.433 (3) 84  
tw/sc





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**Senate File 210 - Introduced**

SENATE FILE

BY WARD, SORENSON, BARTZ,  
JOHNSON, CHELGREN,  
GREINER, BACON,  
BOETTGER, ZAUN,  
KETTERING, ANDERSON,  
BERTRAND, ERNST, HAHN,  
FEENSTRA, and KAPUCIAN

**A BILL FOR**

1 An Act creating the transparency in private attorney contracts  
2 Act.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2089SS (3) 84  
rh/nh



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Senate File 210 - Introduced continued

PAG LIN

1 1 Section 1. Section 13.7, Code 2011, is amended to read as  
1 2 follows:  
1 3 13.7 Special counsel.  
1 4 Compensation shall not be allowed to any person for services  
1 5 as an attorney or counselor to an executive department of the  
1 6 state government, or the head thereof, or to a state board  
1 7 or commission. However, the executive council may employ  
1 8 legal assistance, ~~at a reasonable compensation,~~ in a pending  
1 9 action or proceeding to protect the interests of the state,  
~~1 10 but only upon a sufficient showing, in writing, made by the~~  
~~1 11 attorney general, that the department of justice cannot for~~  
~~1 12 reasons stated by the attorney general perform the service,~~  
~~1 13 which reasons and action of the council shall be entered~~  
~~1 14 upon its records. When the attorney general determines that~~  
~~1 15 the department of justice cannot perform legal service in an~~  
~~1 16 action or proceeding, the executive council shall request the~~  
~~1 17 department involved in the action or proceeding to recommend~~  
~~1 18 legal counsel to represent the department. If the attorney~~  
~~1 19 general concurs with the department that the person recommended~~  
~~1 20 is qualified and suitable to represent the department, the~~  
~~1 21 person recommended shall be employed. If the attorney general~~  
~~1 22 does not concur in the recommendation, the department shall~~  
~~1 23 submit a new recommendation pursuant to chapter 23B. This~~  
1 24 section does not affect the general counsel for the utilities  
1 25 board of the department of commerce, the legal counsel of the  
1 26 department of workforce development, or the general counsel for  
1 27 the property assessment appeal board.  
1 28 Sec. 2. NEW SECTION. 23B.1 Citation.  
1 29 This chapter may be known and cited as the "Transparency in  
1 30 Private Attorney Contracts Act".  
1 31 Sec. 3. NEW SECTION. 23B.2 Definitions.  
1 32 For the purposes of this chapter:  
1 33 1. "Government attorney" means an attorney employed by the  
1 34 state as a staff attorney in the attorney general's office.  
1 35 2. "Private attorney" means any private attorney or law



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Senate File 210 - Introduced continued

2 1 firm.  
2 2 3. "State" means the state of Iowa and includes state  
2 3 officers, departments, boards, commissions, divisions, bureaus,  
2 4 councils, and units of organization, however designated, of the  
2 5 executive branch of state government, and any of its agents.  
2 6 Sec. 4. NEW SECTION. 23B.3 Contracts for legal services.  
2 7 1. The state shall not enter into a contingency fee contract  
2 8 with a private attorney unless the attorney general makes a  
2 9 written determination prior to entering into such a contract  
2 10 that contingency fee representation is both cost=effective  
2 11 and in the public interest. Any written determination shall  
2 12 include specific findings for each of the following factors:  
2 13 a. Whether sufficient and appropriate legal and financial  
2 14 resources exist within the attorney general's office to handle  
2 15 the matter.  
2 16 b. The time and labor required, the novelty, complexity, and  
2 17 difficulty of the questions involved, and the skill required to  
2 18 perform the attorney services properly.  
2 19 c. The geographic area where the attorney services are to  
2 20 be provided.  
2 21 d. The amount of experience desired for the particular  
2 22 kind of attorney services to be provided and the nature of the  
2 23 private attorney's experience with similar issues or cases.  
2 24 2. If the attorney general makes the determination  
2 25 described in subsection 1, the attorney general shall issue a  
2 26 request for proposals from private attorneys to represent the  
2 27 department of justice on a contingency fee basis, unless the  
2 28 attorney general determines that requesting proposals is not  
2 29 feasible under the circumstances and sets forth the basis for  
2 30 this determination in writing.  
2 31 3. a. The state shall not enter into a contingency fee  
2 32 contract that provides for a private attorney to receive  
2 33 an aggregate contingency fee in excess of the sum of the  
2 34 following:  
2 35 (1) Twenty=five percent of any recovery up to and including



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Senate File 210 - Introduced continued

3 1 ten million dollars.  
3 2 (2) Twenty percent of any portion of any recovery that  
3 3 exceeds ten million dollars up to and including fifteen million  
3 4 dollars.  
3 5 (3) Fifteen percent of any portion of any recovery that  
3 6 exceeds fifteen million dollars up to and including twenty  
3 7 million dollars.  
3 8 (4) Ten percent of any portion of any recovery that exceeds  
3 9 twenty million dollars up to and including twenty-five million  
3 10 dollars.  
3 11 (5) Five percent of any portion of any recovery that exceeds  
3 12 twenty-five million dollars.  
3 13 b. The aggregate contingency fee of any recovery shall not  
3 14 exceed fifty million dollars, exclusive of reasonable costs and  
3 15 expenses, and regardless of the number of lawsuits filed or the  
3 16 number of private attorneys retained to achieve the recovery.  
3 17 4. The attorney general shall develop a standard addendum to  
3 18 every contract for contingent fee attorney services that shall  
3 19 be used in all cases, describing in detail what is expected of  
3 20 both the contracted private attorney and the state, including,  
3 21 without limitation, all of the following requirements:  
3 22 a. A government attorney shall retain complete control over  
3 23 the course and conduct of the case.  
3 24 b. A government attorney with supervisory authority shall be  
3 25 personally involved in overseeing the litigation.  
3 26 c. A government attorney shall retain veto power over any  
3 27 decisions made by the contracted private attorney.  
3 28 d. A defendant that is the subject of such litigation may  
3 29 contact the lead government attorney directly, without having  
3 30 to confer with the contracted private attorney.  
3 31 e. Decisions regarding settlement of the case shall be  
3 32 reserved exclusively to the discretion of the government  
3 33 attorney and the state.  
3 34 5. Copies of any executed contingency fee contract as  
3 35 well as the attorney general's written determination to



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4 1 enter into a contingency fee contract with a private attorney  
4 2 shall be posted on the attorney general's website for public  
4 3 inspection within five business days after the date the  
4 4 contract is executed and shall remain posted on the website for  
4 5 the duration of the contingency fee contract, including any  
4 6 extensions or amendments thereto. Any payment of contingency  
4 7 fees shall be posted on the attorney general's website within  
4 8 fifteen days after the payment of such contingency fees to the  
4 9 private attorney and shall remain posted on the website for at  
4 10 least one year thereafter.

4 11 6. Any private attorney under contract to provide services  
4 12 to the state on a contingency fee basis shall, from the  
4 13 inception of the contract until at least four years after  
4 14 the contract expires or is terminated, maintain detailed  
4 15 current records, including documentation of all expenses,  
4 16 disbursements, charges, credits, underlying receipts and  
4 17 invoices, and other financial transactions that concern the  
4 18 provision of such attorney services. The private attorney  
4 19 shall make all such records available for inspection and  
4 20 copying upon request in accordance with chapter 22. In  
4 21 addition, the private attorney shall maintain detailed  
4 22 contemporaneous time records for the attorneys and paralegals  
4 23 working on the matter in increments of no greater than  
4 24 one-tenth of an hour and shall promptly provide these records  
4 25 to the attorney general, upon request.

4 26 7. The attorney general shall submit a report to the  
4 27 secretary of the senate and the chief clerk of the house of  
4 28 representatives describing the use of contingency fee contracts  
4 29 with private attorneys in the preceding calendar year by  
4 30 February 1 of each year. At a minimum, the report shall  
4 31 include all of the following information:

4 32 a. Identify all new contingency fee contracts entered into  
4 33 during the year and all previously executed contingency fee  
4 34 contracts that remain current during any part of the year, and  
4 35 for each contract describe:



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- 5 1 (1) The name of the private attorney with whom the state has  
5 2 contracted, including the name of the attorney's law firm.  
5 3 (2) The nature and status of the legal matter.  
5 4 (3) The name of the parties to the legal matter.  
5 5 (4) The amount of any recovery.  
5 6 (5) The amount of any contingency fee paid.  
5 7 b. Copies of any written determinations made under  
5 8 subsection 1 or 2 during the year.

5 9 Sec. 5. NEW SECTION. 23B.4 No expansion of authority to  
5 10 contract.

5 11 This chapter shall not be construed to expand the authority  
5 12 of a state agency or state agent to enter into contracts where  
5 13 no such authority previously existed.

5 14 Sec. 6. NEW SECTION. 23B.5 Chapter inapplicable.

5 15 This chapter shall not apply to legal services contracts  
5 16 under chapter 13B.

5 17 EXPLANATION

5 18 This bill creates the transparency in private attorney  
5 19 contracts Act in new Code chapter 23B to address the procedure  
5 20 for retention of a private attorney by this state defined to  
5 21 include state officers, departments, boards, commissions,  
5 22 divisions, bureaus, councils, and units of organization,  
5 23 however designated, of the executive branch of state  
5 24 government, and any of its agents.

5 25 The bill specifies a procedure for the state's retention of a  
5 26 private attorney on a contingency fee basis. The bill requires  
5 27 the attorney general to analyze certain factors and make a  
5 28 written determination that the contingency fee representation  
5 29 will be both cost-effective and in the public interest prior  
5 30 to entering into a contract and prior to issuing a request  
5 31 for proposals from private attorneys or making a written  
5 32 determination that such a request is not feasible under the  
5 33 circumstances.

5 34 All contingency fees in the bill are subject to tiered  
5 35 limits and an aggregate cap of \$50 million, exclusive of



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Senate File 210 - Introduced continued

6 1 reasonable costs and expenses (25 percent of any recovery up  
6 2 to and including \$10 million; plus 20 percent of the next  
6 3 \$5 million in recoveries; plus 15 percent of the next \$5  
6 4 million in recoveries; plus 10 percent of the next \$5 million  
6 5 in recoveries; plus 5 percent of any portion of the recovery  
6 6 that exceeds \$25 million). All contingency fee contracts  
6 7 must include certain standard provisions to help assure  
6 8 that government attorneys retain absolute control over the  
6 9 litigation. The bill requires the contingency fee contract,  
6 10 payments made under the contract, and the attorney general's  
6 11 written determination about the need for contingency fee  
6 12 representation to be posted on the attorney general's website.  
6 13 Other records relating to the contract are subject to Code  
6 14 chapter 22 (Iowa's open records law). The contracted private  
6 15 attorneys and paralegals are required to maintain detailed  
6 16 contemporaneous time records for presentation to the attorney  
6 17 general upon request. The attorney general is required to  
6 18 submit an annual report to the secretary of the senate and the  
6 19 chief clerk of the house of representatives that describes the  
6 20 state's retention of private attorneys on a contingency fee  
6 21 basis in the preceding calendar year.

6 22 The bill does not expand the state's authority to enter into  
6 23 contracts where no such authority previously existed.

6 24 The bill provides that this new Code chapter does not apply  
6 25 to legal services contracts under Code chapter 13B relating to  
6 26 public defenders.

6 27 The bill amends Code section 13.7, the current Code section  
6 28 relating to the retention of private counsel by executive  
6 29 branch departments and by the attorney general, to specify that  
6 30 the procedures in new Code chapter 23B apply.

LSB 2089SS (3) 84

rh/nh



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**Senate File 211 - Introduced**

SENATE FILE  
BY WARD

(COMPANION TO LSB  
1878HH by Helland)

**A BILL FOR**

1 An Act authorizing a retrieval fee for copies of certain  
2 medical records or reports in workers' compensation cases.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1878SS (3) 84  
av/nh





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Senate File 211 - Introduced continued

PAG LIN

1 1 Section 1. Section 86.39, Code 2011, is amended to read as  
1 2 follows:

1 3 86.39 Fees ==== approval.

1 4 1. All fees or claims for legal, medical, hospital, and  
1 5 burial services rendered under this chapter and chapters 85,  
1 6 85A, 85B, and 87 are subject to the approval of the workers'  
1 7 compensation commissioner. For services rendered in the  
1 8 district court and appellate courts, the attorney fee is  
1 9 subject to the approval of a judge of the district court.

1 10 2. The workers' compensation commissioner shall approve a  
1 11 claim for a retrieval fee of up to twenty-five dollars payable  
1 12 to a medical provider or its agent for each request made  
1 13 for duplicate records or reports for which a copying fee is  
1 14 allowable. However, total claims for retrieval fees approved  
1 15 shall not exceed fifty dollars.

1 16 EXPLANATION

1 17 This bill requires the workers' compensation commissioner to  
1 18 approve a claim for a retrieval fee of up to \$25 payable to a  
1 19 medical provider or its agent for each request made for copies  
1 20 of duplicate records or reports for which the commissioner  
1 21 allows a copying fee, but not to exceed a total of \$50 for such  
1 22 retrieval fees. Currently, pursuant to administrative rule  
1 23 IAC 876 ==== 8.9, a medical provider or its agent is required to  
1 24 furnish an employer or insurance carrier with copies of the  
1 25 initial and final clinical assessment of an injured employee  
1 26 without cost but is allowed to charge a fee for additional  
1 27 copies. This rule also sets forth the maximum copying fees  
1 28 that can be charged for the additional copies based on the  
1 29 number of pages copied.

LSB 1878SS (3) 84

av/nh



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**Senate File 212 - Introduced**

SENATE FILE

BY WARD, SORENSON,  
JOHNSON, CHELGREN,  
GREINER, BACON,  
BOETTGER, ZAUN,  
KETTERING, ANDERSON,  
BERTRAND, ERNST, HAHN,  
FEENSTRA, KAPUCIAN,  
and SMITH

**A BILL FOR**

- 1 An Act concerning private sector employee drug testing.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1782SS (5) 84  
je/rj



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Senate File 212 - Introduced continued

PAG LIN

1 1 Section 1. Section 730.5, subsection 1, paragraphs b and k,  
1 2 Code 2011, are amended to read as follows:  
1 3 b. "Confirmed positive test result" means, except for  
1 4 alcohol testing conducted pursuant to subsection 7, paragraph  
1 5 "f", subparagraph (2), the results of a ~~blood, urine, or oral~~  
1 6 ~~fluid drug test~~ in which the level of controlled substances or  
1 7 metabolites in the ~~specimen~~ sample analyzed meets or exceeds  
1 8 nationally accepted standards for determining detectable levels  
1 9 of controlled substances as adopted by the ~~federal~~ United  
1 10 States department of health and human services' substance abuse  
1 11 and mental health services administration. If nationally  
1 12 accepted standards for ~~oral fluid tests on a particular~~  
1 13 specimen have not been adopted by the ~~federal~~ United States  
1 14 department of health and human services' substance abuse and  
1 15 mental health services administration, the standards for  
1 16 determining detectable levels of controlled substances for  
1 17 purposes of determining a confirmed positive test result shall  
1 18 be the same standard that has been ~~established~~ cleared or  
1 19 approved by the federal United States department of health and  
1 20 human services' food and drug administration for the ~~measuring~~  
1 21 ~~instrument used to perform the oral fluid test~~ particular  
1 22 specimen testing utilized.  
1 23 k. "Sample" means such sample from the human body capable  
1 24 of revealing the presence of alcohol or other drugs, or their  
1 25 metabolites, ~~which shall include only urine, saliva, breath,~~  
1 26 ~~and blood.~~ However, "sample" does not mean blood except as  
1 27 authorized pursuant to subsection 7, paragraph "l".  
1 28 Sec. 2. Section 730.5, subsection 7, paragraphs a and b,  
1 29 Code 2011, are amended to read as follows:  
1 30 a. The collection of samples shall be performed under  
1 31 sanitary conditions and with regard for the privacy of the  
1 32 individual from whom the ~~specimen~~ sample is being obtained and  
1 33 in a manner reasonably calculated to preclude contamination or  
1 34 substitution of the ~~specimen~~ sample. If the sample collected  
1 35 is urine, procedures shall be established to provide for



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2 1 individual privacy in the collection of the sample unless there  
2 2 is a reasonable suspicion that a particular individual subject  
2 3 to testing may alter or substitute the urine ~~specimen~~ sample  
2 4 to be provided, or has previously altered or substituted a  
2 5 urine ~~specimen~~ sample provided pursuant to a drug or alcohol  
2 6 test. For purposes of this paragraph, "individual privacy"  
2 7 means a location at the collection site where urination can  
2 8 occur in private, which has been secured by visual inspection  
2 9 to ensure that other persons are not present, which provides  
2 10 that undetected access to the location is not possible during  
2 11 urination, and which provides for the ability to effectively  
2 12 restrict access to the location during the time the ~~specimen~~  
~~2 13~~ sample is provided. If an individual is providing a urine  
2 14 sample and collection of the urine sample is directly monitored  
2 15 or observed by another individual, the individual who is  
2 16 directly monitoring or observing the collection shall be of  
2 17 the same gender as the individual from whom the urine sample  
2 18 is being collected.  
2 19 b. Collection of a ~~urine~~ sample for testing of current  
2 20 employees shall be performed so that the ~~specimen~~ sample is  
2 21 split into two components at the time of collection in the  
2 22 presence of the individual from whom the sample ~~or specimen~~  
2 23 is collected. The second portion of the ~~specimen or~~ sample  
2 24 shall be of sufficient quantity to permit a second, independent  
2 25 confirmatory test as provided in paragraph "i". ~~The~~ If the  
~~2 26 sample is urine, the sample shall be split such that the~~  
2 27 primary sample contains at least thirty milliliters and the  
2 28 secondary sample contains at least fifteen milliliters. Both  
2 29 portions of the sample shall be forwarded to the laboratory  
2 30 conducting the initial confirmatory testing. In addition to  
2 31 any requirements for storage of the initial sample that may be  
2 32 imposed upon the laboratory as a condition for certification  
2 33 or approval, the laboratory shall store the second portion of  
2 34 any sample until receipt of a confirmed negative test result or  
2 35 for a period of at least forty=five calendar days following the



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3 1 completion of the initial confirmatory testing, if the first  
3 2 portion yielded a confirmed positive test result.

3 3 Sec. 3. Section 730.5, subsection 7, paragraph f,  
3 4 subparagraphs (2) and (3), Code 2011, are amended to read as  
3 5 follows:

3 6 (2) Notwithstanding any provision of this section to the  
3 7 contrary, alcohol testing, including initial and confirmatory  
3 8 testing, may be conducted pursuant to requirements established  
3 9 by the employer's written policy. The written policy shall  
3 10 include requirements governing evidential breath testing  
3 11 devices, alcohol screening devices, and the qualifications for  
3 12 personnel administering initial and confirmatory testing, which  
3 13 shall be consistent with regulations adopted as of ~~January~~  
~~3 14 1, 1999~~ the effective date of this Act, by the United States  
3 15 department of transportation governing alcohol testing required  
3 16 to be conducted pursuant to the federal Omnibus Transportation  
3 17 Employee Testing Act of 1991.

3 18 (3) Notwithstanding any provision of this section to the  
3 19 contrary, collection of an oral fluid sample for testing shall  
3 20 be performed in the presence of the individual from whom the  
3 21 sample ~~or specimen~~ is collected. The ~~specimen or~~ sample shall  
3 22 be of sufficient quantity to permit a second, independent,  
3 23 confirmatory test as provided in paragraph "i". In addition to  
3 24 any requirement for storage of the initial sample that may be  
3 25 imposed upon the laboratory as a condition for certification  
3 26 or approval, the laboratory shall store the unused portion of  
3 27 any sample until receipt of a confirmed negative test result or  
3 28 for a period of at least forty=five calendar days following the  
3 29 completion of the initial confirmatory testing, if the portion  
3 30 yielded a confirmed positive test result.

3 31 Sec. 4. Section 730.5, subsection 7, paragraph i,  
3 32 subparagraph (2), Code 2011, is amended to read as follows:

3 33 (2) If a confirmed positive test result for drugs or alcohol  
3 34 or a test result for drugs or alcohol that is inconclusive or  
3 35 indicates that the sample has been diluted or altered for a



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Senate File 212 - Introduced continued

4 1 prospective employee is reported to the employer by the medical  
4 2 review officer, the employer shall notify the prospective  
4 3 employee in writing of the results of the test, of the name and  
4 4 address of the medical review officer who made the report, and  
4 5 of the prospective employee's right to request records under  
4 6 subsection 13. The employer may allow a prospective employee  
4 7 to obtain a confirmatory test at an approved laboratory of  
4 8 the prospective employee's choice with costs payable by the  
4 9 prospective employee.

4 10 Sec. 5. Section 730.5, subsection 10, paragraph a,  
4 11 unnumbered paragraph 1, Code 2011, is amended to read as  
4 12 follows:

4 13 Upon receipt of a confirmed positive test result for drugs  
4 14 or alcohol which indicates a violation of the employer's  
4 15 written policy, upon receipt of a test result of a prospective  
4 16 employee that is inconclusive or indicates that the sample has  
4 17 been diluted or altered, or upon the refusal of an employee  
4 18 or prospective employee to provide a testing sample, an  
4 19 employer may use that test result or test refusal as a valid  
4 20 basis for disciplinary or rehabilitative actions pursuant to  
4 21 the requirements of the employer's written policy and the  
4 22 requirements of this section, which may include, among other  
4 23 actions, the following:

4 24 EXPLANATION

4 25 This bill provides that private sector drug testing may be  
4 26 conducted on any of those specimens that have been adopted by  
4 27 the United States department of health and human services or  
4 28 have been cleared or approved by the United States food and  
4 29 drug administration for drug testing. Under current Iowa law,  
4 30 drug testing is permitted only on samples of urine, saliva,  
4 31 breath, and blood, and not on hair.

4 32 The bill provides that if the result of a test for drugs or  
4 33 alcohol on a prospective employee is inconclusive or indicates  
4 34 that the sample is altered or diluted, an employer may take  
4 35 disciplinary or rehabilitative action against the prospective



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Senate File 212 - Introduced continued

5 1 employee in the same manner as if the result of the test was  
5 2 positive for drugs or alcohol. The bill also provides that the  
5 3 employer shall notify the prospective employee that the result  
5 4 of the test is inconclusive or that the sample is altered or  
5 5 diluted. If the result of the test is positive or inconclusive  
5 6 or indicative of an altered or diluted sample, the bill  
5 7 provides that the employer may allow the prospective employee  
5 8 to obtain a confirmatory test at the employee's cost.

LSB 1782SS (5) 84

je/rj



Iowa General Assembly  
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**Senate File 213 - Introduced**

SENATE FILE

BY SENG, JOHNSON, RIELLY,  
HANCOCK, HORN, FRAISE,  
KIBBIE, HATCH,  
DOTZLER, HAMERLINCK,  
HOUSER, SORENSON,  
SODDERS, BERTRAND,  
BOETTGER, BARTZ,  
KAPUCIAN, FEENSTRA,  
ZAUN, BACON, BLACK,  
GRONSTAL, SEYMOUR,  
KETTERING, BEALL,  
DANIELSON, ANDERSON,  
BOLKCOM, COURTNEY,  
SCHOENJAHN, ERNST,  
CHELGREN, SMITH, and  
JOCHUM

**A BILL FOR**

1 An Act appropriating moneys for tourism marketing and promotion  
2 to the department of economic development.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2463SS (1) 84  
tw/nh





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Senate File 213 - Introduced continued

PAG LIN

1 1 Section 1. TOURISM MARKETING AND PROMOTION. There is  
1 2 appropriated from the general fund of the state to the  
1 3 department of economic development for the fiscal year  
1 4 beginning July 1, 2011, and ending June 30, 2012, the following  
1 5 amount, or so much thereof as is necessary, to be used for the  
1 6 purposes designated:

1 7 For tourism marketing and promotion, including salaries,  
1 8 support, maintenance, and miscellaneous purposes:  
1 9 ..... \$ 8,300,000

1 10 EXPLANATION

1 11 This bill appropriates \$8.3 million to the department of  
1 12 economic development from the general fund of the state for FY  
1 13 2011=2012 for purposes of tourism marketing and promotion.

LSB 2463SS (1) 84

tw/nh



Iowa General Assembly  
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**Senate File 214 - Introduced**

SENATE FILE  
BY HOGG

**A BILL FOR**

1 An Act relating to criminal offenses, including the definition  
2 of reckless in the criminal code, restrictions on the  
3 operation of a motor vehicle, forfeiture for certain  
4 offenses, and providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1602XS (5) 84

jm/nh



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Senate File 214 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.193, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. The department shall restrict the  
1 4 driver's license of a person convicted of reckless driving  
1 5 pursuant to section 321.277 to operation of motor vehicles with  
1 6 a gross vehicle weight rating of four thousand pounds or less  
1 7 for a period not to exceed two years. Unless the license has  
1 8 been suspended or revoked, the department shall immediately  
1 9 issue to the person a new license setting forth the operating  
1 10 restriction. If the person's license is suspended or revoked,  
1 11 the restriction shall be set forth on a new license issued  
1 12 following the period of suspension or revocation.

1 13 Sec. 2. Section 321.206, Code 2011, is amended to read as  
1 14 follows:

1 15 321.206 Surrender of license ==== duty of court.

1 16 If a person is convicted in court of an offense for which  
1 17 this chapter requires mandatory revocation of the person's  
1 18 driver's license ~~or~~, if the person's license is a commercial  
1 19 driver's license and the conviction disqualifies the person  
1 20 from operating a commercial motor vehicle, or if the person  
1 21 is convicted of reckless driving pursuant to section 321.277,  
1 22 the court shall require the person to surrender the driver's  
1 23 license held by the person and the court shall destroy the  
1 24 license or forward the license together with a record of the  
1 25 conviction to the department as provided in section 321.491.

1 26 Sec. 3. Section 321.277, Code 2011, is amended to read as  
1 27 follows:

1 28 321.277 Reckless driving.

1 29 1. Any person who drives any vehicle in such manner as to  
1 30 indicate either a willful or a wanton disregard for the safety  
1 31 of persons or property is guilty of reckless driving.

1 32 2. Whether a person drives a vehicle while the driver's  
1 33 license of the person has been suspended, denied, revoked, or  
1 34 barred is relevant in the determination of whether the act was  
1 35 done with willful or wanton disregard for the safety of persons



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2 1 or property.

2 2 3. Every person convicted of reckless driving shall be  
2 3 guilty of a simple misdemeanor.

2 4 4. A person convicted of reckless driving shall be barred  
2 5 from operating a vehicle with a gross vehicle weight rating  
2 6 exceeding four thousand pounds. Upon receipt of a notice of  
2 7 conviction for a violation of this section, the department  
2 8 shall impose a restriction on the person's driver's license as  
2 9 provided in section 321.193.

2 10 Sec. 4. Section 702.16, Code 2011, is amended to read as  
2 11 follows:

2 12 702.16 Reckless.

2 13 A person is "reckless" or acts recklessly when the person  
2 14 willfully or wantonly disregards the safety of persons or  
2 15 property, and the person knows or reasonably should know being  
2 16 reckless or acting recklessly creates an unnecessary risk of  
2 17 harm to another or to property.

2 18 Sec. 5. Section 809A.3, subsection 4, Code 2011, is amended  
2 19 to read as follows:

2 20 4. Notwithstanding subsections 1 through 3, violations of  
2 21 chapter 321, 321A, or 321J shall not be considered conduct  
2 22 giving rise to forfeiture, except for violations of the  
2 23 following:

2 24 a. Section 321.218 if a death or serious injury occurred as  
2 25 a result of the violation.

2 26 ~~a.~~ b. Section 321.232.

2 27 c. Section 321A.32, subsection 1, if a death or serious  
2 28 injury occurred as a result of the violation.

2 29 d. A first violation of section 321J.4B, subsection 2,  
2 30 paragraph "a", subparagraph (2), if a death or serious injury  
2 31 occurred as a result of the violation.

2 32 ~~b.~~ e. A second or subsequent violation of section 321J.4B,  
2 33 subsection 2, paragraph "a", subparagraph (2).

2 34 ~~e.~~ f. Section 321J.4B, subsection 9.

2 35 EXPLANATION



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3 1 This bill relates to the definition of "reckless" in the  
3 2 criminal code, restrictions on the operation of a motor  
3 3 vehicle, and forfeiture for certain offenses.

3 4 The bill modifies the criminal offense of reckless driving.  
3 5 Under the bill, whether a person drives a vehicle while the  
3 6 driver's license of the person is suspended, denied, revoked,  
3 7 or barred is relevant in the determination of whether the  
3 8 offense was done with willful or wanton disregard for the  
3 9 safety of persons or property.

3 10 A person convicted of reckless driving pursuant to Code  
3 11 section 321.277 shall be barred under the bill from operating  
3 12 a motor vehicle with a gross vehicle weight rate exceeding  
3 13 4,000 pounds for a period not to exceed two years. The bill  
3 14 requires the department of transportation to issue a new  
3 15 restricted driver's license barring the person from operating a  
3 16 motor vehicle exceeding 4,000 pounds. A person who violates  
3 17 the restriction on the driver's license commits a simple  
3 18 misdemeanor punishable by a scheduled fine in the amount of  
3 19 \$50.

3 20 The bill modifies the definition of "reckless" in the  
3 21 criminal code in Code section 702.16. The bill specifies a  
3 22 person is reckless or acts recklessly when the person willfully  
3 23 or wantonly disregards the safety of persons or property, and  
3 24 the person knows or reasonably should know being reckless  
3 25 or acting recklessly creates an unnecessary risk of harm to  
3 26 another or to property. Current law provides a person is  
3 27 reckless or acts recklessly when the person willfully or  
3 28 wantonly disregards the safety of persons or property.

3 29 The modification to the definition of "reckless" in Code  
3 30 section 702.16 directly affects the following criminal offenses  
3 31 and procedures in the criminal code (chapters 687 through  
3 32 915): intoxicants or drugs (701.5), compulsion (704.10),  
3 33 ongoing criminal conduct (chapter 706A), homicide or serious  
3 34 injury by vehicle (707.6A), hazing (708.10), reckless use  
3 35 of fire or explosives (712.5), burglary in the first degree



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4 1 (713.3), attempted burglary in the first degree (713.4),  
4 2 reckless use of a firearm (724.30), neglect or abandonment of a  
4 3 dependent person (726.3), private sector drug-free workplaces  
4 4 (730.5), civil damages, civil and criminal immunity, and  
4 5 injunctive relief for interception of communications (808B.8),  
4 6 unauthorized disclosure of offender's HIV-related test results  
4 7 (915.43).  
4 8     The bill permits the forfeiture of a motor vehicle if a  
4 9 person operates a motor vehicle while the driver's license of  
4 10 the person is suspended, denied, revoked, or barred, and the  
4 11 person kills or seriously injures another person.

LSB 1602XS (5) 84

jm/nh



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**Senate File 215 - Introduced**

SENATE FILE  
BY FEENSTRA

**A BILL FOR**

1 An Act exempting certain part-time employees from participation  
2 in the Iowa public employees' retirement system.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1802XS (2) 84  
aw/sc



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Senate File 215 - Introduced continued

PAG LIN

1 1 Section 1. Section 97B.1A, subsection 8, paragraph b, Code  
1 2 2011, is amended by adding the following new subparagraph:  
1 3 NEW SUBPARAGRAPH. (04) Permanent employees hired on or  
1 4 after July 1, 2011, for part=time employment of one thousand  
1 5 three hundred hours or less on an annualized basis. An  
1 6 employee who works for an employer for more than one thousand  
1 7 three hundred hours, on an annualized basis, is not a part=time  
1 8 employee under this subparagraph.

1 9 EXPLANATION

1 10 This bill provides that any newly hired part=time employee  
1 11 working 1,300 hours or less on an annualized basis is not  
1 12 eligible to participate in the Iowa public employees'  
1 13 retirement system (IPERS).

1 14 In terms of an employee's weekly hours, any employee  
1 15 working 25 hours or less per week would not be eligible for  
1 16 participation in the system.

LSB 1802XS (2) 84

aw/sc





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**Senate File 216 - Introduced**

SENATE FILE  
BY FEENSTRA

**A BILL FOR**

1 An Act prohibiting government agencies and officials from  
2 collecting dues on behalf of labor unions and making a  
3 penalty applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1809XS (2) 84  
je/rj



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Senate File 216 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.9, unnumbered paragraph 1, Code 2011,  
1 2 is amended to read as follows:  
1 3 The public employer and the employee organization shall meet  
1 4 at reasonable times, including meetings reasonably in advance  
1 5 of the public employer's budget-making process, to negotiate in  
1 6 good faith with respect to wages, hours, vacations, insurance,  
1 7 holidays, leaves of absence, shift differentials, overtime  
1 8 compensation, supplemental pay, seniority, transfer procedures,  
1 9 job classifications, health and safety matters, evaluation  
1 10 procedures, procedures for staff reduction, in-service training  
1 11 and other matters mutually agreed upon. Negotiations shall  
1 12 also include terms authorizing ~~dues checkoff for members of the~~  
~~1 13 employee organization and grievance procedures for resolving~~  
1 14 any questions arising under the agreement, which shall be  
1 15 embodied in a written agreement and signed by the parties. ~~If~~  
~~1 16 an agreement provides for dues checkoff, a member's dues may~~  
~~1 17 be checked off only upon the member's written request and the~~  
~~1 18 member may terminate the dues checkoff at any time by giving~~  
~~1 19 thirty days' written notice.~~ Such obligation to negotiate in  
1 20 good faith does not compel either party to agree to a proposal  
1 21 or make a concession.  
1 22 Sec. 2. Section 70A.17A, subsection 3, Code 2011, is amended  
1 23 by striking the subsection.  
1 24 Sec. 3. NEW SECTION. 731.10 Collection of union dues by  
1 25 government officials or agencies prohibited.  
1 26 It shall be unlawful for any official or agency of this  
1 27 state or a political subdivision of this state to collect dues,  
1 28 charges, fees, contributions, fines, or assessments on behalf  
1 29 of any labor union, labor association, or labor organization.  
1 30 Sec. 4. REPEAL. Section 70A.19, Code 2011, is repealed.  
1 31 EXPLANATION  
1 32 This bill prohibits an official or agency of this state  
1 33 or its political subdivisions from collecting dues, charges,  
1 34 fees, contributions, fines, or assessments on behalf of any  
1 35 labor union, labor association, or labor organization. A



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2 1 violation of the prohibition is a serious misdemeanor pursuant  
2 2 to Code section 731.6. A serious misdemeanor is punishable by  
2 3 confinement for no more than one year and a fine of at least  
2 4 \$315 but not more than \$1,875.  
2 5 The bill removes dues checkoffs from the scope of  
2 6 negotiations for collective bargaining agreements under Code  
2 7 chapter 20.  
2 8 The bill repeals Code sections 70A.17A(3) and 70A.19  
2 9 relating to payroll deductions by state employees who are union  
2 10 members, but retains payroll deductions by state employees who  
2 11 are professional or trade organization members.  
LSB 1809XS (2) 84  
je/rj



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**Senate File 217 - Introduced**

SENATE FILE  
BY FEENSTRA

**A BILL FOR**

1 An Act prohibiting public employers from deducting membership  
2 dues for employment organizations from wages or salaries  
3 of public employees receiving health care benefits and  
4 prohibiting state employees from electing or renewing such  
5 deductions and including applicability provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1852SS (3) 84  
je/rj



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Senate File 217 - Introduced continued

PAG LIN

1 1 Section 1. Section 20.9, unnumbered paragraph 1, Code 2011,  
1 2 is amended to read as follows:

1 3 The public employer and the employee organization shall meet  
1 4 at reasonable times, including meetings reasonably in advance  
1 5 of the public employer's budget-making process, to negotiate in  
1 6 good faith with respect to wages, hours, vacations, insurance,  
1 7 holidays, leaves of absence, shift differentials, overtime  
1 8 compensation, supplemental pay, seniority, transfer procedures,  
1 9 job classifications, health and safety matters, evaluation  
1 10 procedures, procedures for staff reduction, in-service training  
1 11 and other matters mutually agreed upon. Negotiations shall  
1 12 also include terms authorizing dues checkoff for members of the  
1 13 employee organization, other than members receiving health care  
1 14 benefits from the public employer, and grievance procedures  
1 15 for resolving any questions arising under the agreement,  
1 16 which shall be embodied in a written agreement and signed by  
1 17 the parties. If an agreement provides for dues checkoff, a  
1 18 member's dues may be checked off only upon the member's written  
1 19 request and the member may terminate the dues checkoff at any  
1 20 time by giving thirty days' written notice. Such obligation to  
1 21 negotiate in good faith does not compel either party to agree  
1 22 to a proposal or make a concession.

1 23 Sec. 2. NEW SECTION. 20.32 Payroll deduction for dues of  
1 24 members receiving health care benefits prohibited.

1 25 A public employer shall not deduct from a public employee's  
1 26 wages or salary membership dues for any employee organization  
1 27 if the public employee receives health care benefits from the  
1 28 public employer.

1 29 Sec. 3. NEW SECTION. 70A.19A Payroll deduction for dues of  
1 30 union members receiving health care benefits prohibited.

1 31 A state employee who is a member of an employee organization  
1 32 and who receives health care benefits from the state employee's  
1 33 employer shall not elect or renew a payroll deduction for  
1 34 membership dues for an employee organization.

1 35 Sec. 4. APPLICABILITY. The sections of this Act amending



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Senate File 217 - Introduced continued

2 1 section 20.9 and enacting section 20.32 apply to collective  
2 2 bargaining agreements entered into on or after the effective  
2 3 date of this Act.

2 4 EXPLANATION

2 5 This bill prohibits a public employer from deducting  
2 6 membership dues for any employee organization from a public  
2 7 employee's wages or salaries if the public employee receives  
2 8 health care benefits from the public employer. The bill  
2 9 excludes such deductions from the scope of negotiations for a  
2 10 public employee collective bargaining agreement.

2 11 The bill prohibits a state employee who is member of an  
2 12 employee organization and who receives health care benefits  
2 13 from the employee's employer from electing or renewing  
2 14 a payroll deduction for membership dues for an employee  
2 15 organization.

2 16 The provisions of the bill amending Code chapter 20 apply to  
2 17 collective bargaining agreements entered into on or after the  
2 18 effective date of the bill.

LSB 1852SS (3) 84

je/rj



Iowa General Assembly  
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**Senate File 218 - Introduced**

SENATE FILE  
BY FEENSTRA

**A BILL FOR**

1 An Act exempting certain part-time employees of the department  
2 of public health or the department of human services from  
3 participation in the Iowa public employees' retirement  
4 system.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 1925XS (3) 84  
aw/sc



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Senate File 218 - Introduced continued

PAG LIN

1 1 Section 1. Section 97B.1A, subsection 8, paragraph b, Code  
1 2 2011, is amended by adding the following new subparagraph:  
1 3 NEW SUBPARAGRAPH. (04) Permanent employees of the  
1 4 department of public health or the department of human services  
1 5 hired on or after July 1, 2011, for part-time employment of  
1 6 one thousand three hundred hours or less on an annualized  
1 7 basis. An employee of the department of public health or the  
1 8 department of human services who works for an employer for more  
1 9 than one thousand three hundred hours, on an annualized basis,  
1 10 is not a part-time employee under this subparagraph.

1 11 EXPLANATION

1 12 This bill provides that any newly hired part-time employee  
1 13 of the department of public health or the department of human  
1 14 services working 1,300 hours or less on an annualized basis  
1 15 is not eligible to participate in the Iowa public employees'  
1 16 retirement system (IPERS).

1 17 In terms of an employee's weekly hours, any employee of these  
1 18 departments working 25 hours or less per week would not be  
1 19 eligible for participation in the system.

LSB 1925XS (3) 84

aw/sc





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**Senate File 219 - Introduced**

SENATE FILE  
BY BARTZ

(COMPANION TO 2047HH  
by rayhons)

**A BILL FOR**

1 An Act providing for special deer hunting licenses for certain  
2 nonresident landowners and providing penalties and an  
3 appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2047SS (2) 84  
av/nh



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Senate File 219 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 483A.8D Special nonresident  
1 2 landowner deer hunting licenses.  
1 3 1. As used in this section:  
1 4 a. "Family member" means a nonresident who is the spouse or  
1 5 child of the owner.  
1 6 b. "Farm unit" means all parcels of land which are certified  
1 7 by the commission pursuant to rule as meeting the following  
1 8 requirements:  
1 9 (1) Are in tracts of eighty or more contiguous acres.  
1 10 (2) Are under the lawful control of the owner.  
1 11 c. "Owner" means a nonresident who is the owner of a farm  
1 12 unit for taxation purposes.  
1 13 2. Notwithstanding section 483A.8, subsection 5, upon  
1 14 written application on forms furnished by the department and  
1 15 payment of a fee of one thousand dollars, the department shall  
1 16 issue annually two deer hunting licenses, one antlered or any  
1 17 sex deer hunting license and one antlerless deer only deer  
1 18 hunting license, to the owner of a farm unit or to a family  
1 19 member of the owner, but limited to a total of two licenses for  
1 20 both.  
1 21 3. In addition, if an owner of a farm unit or a family  
1 22 member of the owner purchases deer hunting licenses pursuant to  
1 23 subsection 2, that person may purchase additional antlerless  
1 24 deer only deer hunting licenses which are valid only for use on  
1 25 the farm unit under the same conditions and for the same price  
1 26 as resident owners and their family members.  
1 27 4. The deer hunting licenses issued shall be valid only for  
1 28 use on the farm unit for which the applicant applies pursuant  
1 29 to this section.  
1 30 5. An owner who owns more than one farm unit or a family  
1 31 member of that owner is eligible to obtain licenses pursuant to  
1 32 this section for only one farm unit.  
1 33 6. If a farm unit has multiple owners, only one owner and  
1 34 that owner's family members may apply for licenses pursuant to  
1 35 this section.



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2 1 7. If deer hunting licenses are issued to an owner or  
2 2 family member for use on a farm unit pursuant to this section,  
2 3 a tenant of the farm unit is not eligible to receive a special  
2 4 license pursuant to section 483A.24 for use on that farm unit.  
2 5 8. The deer hunting licenses issued pursuant to this section  
2 6 may be used during any deer hunting season.  
2 7 9. A person who receives a deer hunting license pursuant to  
2 8 this section shall be otherwise qualified to hunt deer in this  
2 9 state, pay the wildlife habitat fee, and pay the one dollar fee  
2 10 for the purpose of deer herd population management, including  
2 11 assisting with the cost of processing deer donated to the help  
2 12 us stop hunger program administered by the commission.  
2 13 10. a. A deer hunting license issued pursuant to this  
2 14 section shall be attested by the signature of the person to  
2 15 whom the license is issued and shall contain a statement in  
2 16 substantially the following form:  
2 17 By signing this license I certify that I qualify as an owner  
2 18 or family member under Iowa Code section 483A.8D.  
2 19 b. A person who makes a false attestation under this  
2 20 subsection is guilty of a simple misdemeanor. In addition, the  
2 21 person's deer hunting license shall be revoked and the person  
2 22 shall not be issued a deer hunting license for a period of one  
2 23 year.  
2 24 11. Fifty percent of the license fees collected pursuant to  
2 25 this section and deposited in the Iowa resources enhancement  
2 26 and protection fund created pursuant to section 455A.18 shall  
2 27 be allocated to the open spaces account created in section  
2 28 455A.19 to be used for the purpose of land acquisition by the  
2 29 state.

2 30 EXPLANATION

2 31 This bill creates new Code section 483A.8D, which provides  
2 32 for the issuance of special deer hunting licenses to certain  
2 33 nonresident owners of farm units in the state and their family  
2 34 members. For the purposes of the bill, a "farm unit" is a  
2 35 parcel of land consisting of a tract of 80 or more contiguous



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3 1 acres under the lawful control of the owner. An "owner" is  
3 2 a nonresident who is the owner of a farm unit for taxation  
3 3 purposes. A "family member" is the nonresident spouse or child  
3 4 of the owner.

3 5 The bill provides that annually, upon written application  
3 6 and payment of a fee of \$1,000, the owner of a farm unit or  
3 7 the owner's family member can obtain one antlered or any  
3 8 sex deer hunting license and one antlerless deer only deer  
3 9 hunting license, but limited to a total of two licenses for  
3 10 both persons, that are valid for use only on the owner's farm  
3 11 unit. In addition, if an owner of a farm unit or a family  
3 12 member of the owner purchases deer hunting licenses pursuant to  
3 13 subsection 2, that person may purchase additional antlerless  
3 14 deer only deer hunting licenses which are valid only for use on  
3 15 the farm unit under the same conditions and for the same price  
3 16 as resident owners and their family members.

3 17 The owner of more than one farm unit can obtain licenses  
3 18 pursuant to the bill for only one farm unit. If a farm unit has  
3 19 multiple owners, only one owner and that owner's family members  
3 20 can apply for such licenses. If licenses are issued to any  
3 21 owner or family member for use on a farm unit, a tenant of that  
3 22 farm unit is not eligible to receive special resident landowner  
3 23 licenses pursuant to Code section 483A.24.

3 24 Deer hunting licenses issued pursuant to the bill's  
3 25 provisions may be used during any deer hunting season.

3 26 A person who receives a license pursuant to the new  
3 27 provisions must be otherwise qualified to hunt deer in the  
3 28 state, pay the wildlife habitat fee, and pay the one dollar fee  
3 29 for the purpose of deer herd population management, including  
3 30 assisting with the cost of processing deer donated to the help  
3 31 us stop hunger program administered by the natural resource  
3 32 commission.

3 33 A deer hunting license issued pursuant to the bill must be  
3 34 attested by the signature of the person to whom the license  
3 35 is issued that the person qualifies as an owner or family



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4 1 member under the new Code section. A person who makes a false  
4 2 attestation is guilty of a simple misdemeanor and shall have  
4 3 their deer hunting license revoked and not receive another  
4 4 deer hunting license for one year. A simple misdemeanor is  
4 5 punishable by confinement for no more than 30 days or a fine of  
4 6 at least \$65 but not more than \$625 or by both.

4 7 Fifty percent of the license fees generated by the new  
4 8 provision are to be deposited in the Iowa resources enhancement  
4 9 and protection fund created pursuant to Code section 455A.18  
4 10 and allocated to the open spaces account of that fund created  
4 11 in Code section 455A.19 to be used for the purpose of land  
4 12 acquisition by the state.

4 13 Currently, the natural resource commission is limited to  
4 14 issuing only 6,000 nonresident antlered or any sex deer hunting  
4 15 licenses each year. After these licenses are issued, the  
4 16 commission can issue additional nonresident antlerless deer  
4 17 only deer hunting licenses. All nonresident deer hunting  
4 18 licenses are allocated among zones based on the populations of  
4 19 deer in the state. The fee for a nonresident antlered or any  
4 20 sex deer hunting license is \$295 and must be accompanied by the  
4 21 purchase of an antlerless deer only deer hunting license that  
4 22 costs an additional \$125. The fee for an antlerless deer only  
4 23 deer hunting license alone is \$225.

4 24 A nonresident landowner who is unsuccessful in obtaining one  
4 25 of the 6,000 available nonresident antlered or any sex deer  
4 26 hunting licenses is given preference in obtaining a nonresident  
4 27 antlerless deer only deer hunting license, but that license  
4 28 is valid only for hunting on the nonresident's land. The fee  
4 29 for a nonresident landowner antlerless deer only deer hunting  
4 30 license is also \$225.

LSB 2047SS (2) 84

av/nh



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**Senate File 220 - Introduced**

SENATE FILE  
BY MCKINLEY

**A BILL FOR**

1 An Act providing for a creativity and innovation task force.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
  TLSB 2329XS (3) 84  
  tw/nh



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1 1 Section 1. CREATIVITY AND INNOVATION TASK FORCE.  
1 2 1. ESTABLISHMENT AND PURPOSE.  
1 3 a. A creativity and innovation task force is established.  
1 4 The task force shall be initially convened by July 1, 2011,  
1 5 with staffing and administrative support provided by the  
1 6 legislative services agency.  
1 7 b. The task force shall be convened for the following  
1 8 purposes:  
1 9 (1) To foster the creation of new businesses in the state  
1 10 and to increase the creation of jobs.  
1 11 (2) To encourage and reward creativity, invention, and  
1 12 innovation by Iowa residents.  
1 13 2. MEMBERSHIP.  
1 14 a. The task force shall consist of the following members:  
1 15 (1) One member selected by the Iowa small business  
1 16 development center.  
1 17 (2) One member selected by the Iowa association of community  
1 18 college trustees.  
1 19 (3) One member selected by the John Pappajohn  
1 20 entrepreneurial center at the university of Iowa.  
1 21 (4) Two members selected by the Iowa bankers association  
1 22 representing community bankers.  
1 23 (5) Two members selected by the national federation of  
1 24 independent business.  
1 25 (6) Two members selected by the Iowa association of business  
1 26 and industry.  
1 27 (7) Two members selected by the professional developers of  
1 28 Iowa.  
1 29 b. The members shall be appointed in compliance with the  
1 30 requirements of sections 69.16, 69.16A, and 69.19, and shall  
1 31 serve for the duration of the task force.  
1 32 c. The members of the task force are entitled to receive  
1 33 reimbursement for actual expenses incurred while engaged in the  
1 34 performance of official duties.  
1 35 d. The task force shall elect a chairperson and the



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2 1 recommendations of the task force shall be approved by  
2 2 a majority of the members. A majority of the task force  
2 3 constitutes a quorum and an affirmative vote of the majority  
2 4 of members is necessary to approve the recommendations of the  
2 5 task force. A vacancy in the membership does not impair the  
2 6 right of a quorum to exercise all rights and perform all duties  
2 7 of the task force.

2 8 3. DUTIES. The task force shall do all of the following:

2 9 a. Research and evaluate methods of encouraging and  
2 10 rewarding innovation and entrepreneurship.

2 11 b. Create a forum and a process for listening to and  
2 12 addressing the concerns of inventors and entrepreneurs.

2 13 c. Develop ideas for identifying innovations that have the  
2 14 potential to become successful new businesses in the state.

2 15 d. Recommend a process for helping inventors and innovators  
2 16 commercialize inventions and innovations.

2 17 e. Identify the barriers to business creation and expansion  
2 18 and the hurdles inhibiting the commercialization of research.

2 19 4. REPORT. The task force shall submit a written report  
2 20 containing its findings and recommendations to the governor  
2 21 and the general assembly by January 1, 2012. The report shall  
2 22 include a plan for facilitating the development of programs  
2 23 that enhance the commercialization of research.

2 24 5. DISSOLUTION. The task force shall complete its duties  
2 25 no later than January 1, 2012, but may complete its duties and  
2 26 dissolve itself prior to that date.

2 27 EXPLANATION

2 28 This bill establishes a creativity and innovation task  
2 29 force. The task force must be convened by July 1, 2011.

2 30 The task force is to be convened for the following purposes:

2 31 (1) to foster the creation of new businesses in the state and  
2 32 to increase the creation of jobs; and (2) to encourage and  
2 33 reward creativity, invention, and innovation by Iowa residents.

2 34 The task force consists of one member selected by the Iowa  
2 35 small business development center, one member selected by the





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3 1 Iowa association of community college trustees, one member  
3 2 selected by the John Pappajohn entrepreneurial center, two  
3 3 members selected by the Iowa bankers association representing  
3 4 community bankers, two members selected by the national  
3 5 federation of independent business, two members selected by  
3 6 the Iowa association of business and industry, and two members  
3 7 selected by the professional developers of Iowa.  
3 8     The task force has certain duties related to new ideas and  
3 9 methods for fostering job creation and encouraging creativity,  
3 10 and must file a report with the general assembly and the  
3 11 governor by January 1, 2012, when the task force is dissolved.  
LSB 2329XS (3) 84  
tw/nh



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## Senate File 221 - Introduced

SENATE FILE  
BY MCKINLEY

### A BILL FOR

1 An Act repealing a requirement that taxpayers indicate on their  
2 tax returns the presence or absence of health care coverage  
3 for their dependent children and apply for certain public  
4 health care coverage, and including effective date and  
5 retroactive applicability provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2316XS (3) 84

av/sc



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1 1 Section 1. REPEAL. Section 422.12M, Code 2011, is repealed.  
1 2 Sec. 2. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This  
1 3 Act, being deemed of immediate importance, takes effect upon  
1 4 enactment and applies retroactively to January 1, 2011, for tax  
1 5 years beginning on or after that date.

1 6 EXPLANATION

1 7 This bill repeals Code section 422.12M, which requires  
1 8 taxpayers to indicate on their tax returns the presence or  
1 9 absence of health care coverage for their dependent children  
1 10 and to apply for Medicaid or the hawk=i program if they meet  
1 11 certain income eligibility standards. The bill is effective  
1 12 upon enactment and applies retroactively to January 1, 2011,  
1 13 for tax years beginning on or after that date.

LSB 2316XS (3) 84

av/sc



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**Senate File 222 - Introduced**

SENATE FILE  
BY MCKINLEY

**A BILL FOR**

1 An Act relating to the establishment, funding, and bonding  
2 authority of public charter schools and making an  
3 appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1056XS (3) 84  
kh/rj



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1 1 Section 1. NEW SECTION. 16.163 Authority to issue public  
1 2 charter school facilities bonds and notes.  
1 3 The authority shall assist a public charter school  
1 4 established under chapter 257A, and the authority shall have  
1 5 all of the powers delegated to it in a chapter 28E agreement  
1 6 by a governing board of a public charter school established  
1 7 pursuant to chapter 257A, or a private developer contracting  
1 8 with a public charter school established pursuant to chapter  
1 9 257A, to develop a public charter school facility, with respect  
1 10 to the issuance or securing of bonds or notes as provided in  
1 11 section 257A.11, subsection 4.  
1 12 Sec. 2. NEW SECTION. 257A.1 Short title.  
1 13 This chapter may be cited as the "Public Charter Schools  
1 14 Act".  
1 15 Sec. 3. NEW SECTION. 257A.2 Legislative findings and  
1 16 declaration of purpose.  
1 17 1. The general assembly finds and declares the following:  
1 18 a. It is in the best interests of the people of the state  
1 19 to provide all children with public schools that reflect high  
1 20 expectations and to create conditions in all schools where  
1 21 these expectations can be met.  
1 22 b. Education reform is necessary to strengthen the  
1 23 performance of elementary and secondary public school students.  
1 24 c. Those who know students best, their parents and  
1 25 educators, make the best education decisions regarding the  
1 26 students.  
1 27 d. Parents and educators have a right and a responsibility  
1 28 to participate in the education institutions which serve Iowa's  
1 29 children.  
1 30 e. Different students learn differently and public school  
1 31 programs should be customized to fit the needs of individual  
1 32 students.  
1 33 f. There are parents, educators, and other citizens in the  
1 34 state willing and able to offer educational programs but who  
1 35 lack a channel through which they can direct their efforts.



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2 1       2. The purpose of establishing public charter schools in  
2 2 this state is to accomplish the following:  
2 3       a. Improve student learning by creating high=quality schools  
2 4 with high standards for student performance.  
2 5       b. Close achievement gaps between high=performing and  
2 6 low=performing groups of public school students.  
2 7       c. Increase high=quality educational opportunities within  
2 8 the public education system for all students, especially those  
2 9 at risk of academic failure.  
2 10       d. Create new professional opportunities for teachers,  
2 11 school administrators, and other school personnel that allow  
2 12 them to have a direct voice in the operation of their schools.  
2 13       e. Encourage the use of different, high=quality models of  
2 14 teaching, governing, scheduling, or other aspects of schooling  
2 15 that meet a variety of student needs.  
2 16       f. Allow public schools freedom and flexibility in exchange  
2 17 for exceptional levels of results=driven accountability.  
2 18       g. Provide students, parents, community members, and local  
2 19 entities with expanded opportunities for involvement in the  
2 20 public education system.  
2 21       h. Encourage the replication of successful public charter  
2 22 schools.  
2 23       3. All public charter schools in the state established under  
2 24 this chapter are public schools and are part of the state's  
2 25 public education system. The provisions of this chapter should  
2 26 be interpreted liberally to support the findings and purposes  
2 27 of this section and to advance a renewed commitment by the  
2 28 state to the mission, goals, and diversity of public education.  
2 29       Sec. 4. NEW SECTION. 257A.3 Definitions.  
2 30       As used in this chapter, unless the context otherwise  
2 31 requires:  
2 32       1. "Applicant" means any person or group of persons that  
2 33 develops and submits an application for a public charter school  
2 34 to an authorizer.  
2 35       2. "Application" means a proposal from an applicant to



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3 1 an authorizer to enter into a charter contract whereby the  
3 2 proposed school obtains public charter school status.  
3 3 3. "At=risk student" means a student who has an economic  
3 4 or academic disadvantage that requires special services and  
3 5 assistance to succeed in educational programs. The term  
3 6 includes but is not limited to students who are members  
3 7 of economically disadvantaged families, students who are  
3 8 identified as having special educational needs, students who  
3 9 are limited in English proficiency, students who are at risk  
3 10 of dropping out of high school, and students who do not meet  
3 11 minimum standards of academic proficiency.  
3 12 4. "Authorizer" means an entity authorized under this  
3 13 chapter to review applications, decide whether to approve  
3 14 or reject applications, enter into charter contracts with  
3 15 applicants, oversee public charter schools, and decide whether  
3 16 to renew, not renew, or revoke charter contracts.  
3 17 5. "Charter contract" means a fixed=term, renewable  
3 18 contract between a public charter school and an authorizer that  
3 19 outlines the roles, powers, responsibilities, and performance  
3 20 expectations for each party to the contract.  
3 21 6. "Commission" means the Iowa public charter school  
3 22 commission created pursuant to section 257A.6.  
3 23 7. "Conversion public charter school" means a charter school  
3 24 that existed as a noncharter public school before becoming a  
3 25 public charter school.  
3 26 8. "Education service provider" means a for=profit  
3 27 education management organization, nonprofit charter management  
3 28 organization, school design provider, or any other partner  
3 29 entity with which a public charter school intends to contract  
3 30 for educational design, implementation, or comprehensive  
3 31 management.  
3 32 9. "Governing board" means the independent board of a public  
3 33 charter school that is party to the charter contract with the  
3 34 authorizer and whose members have been elected or selected  
3 35 pursuant to the public charter school's application.



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- 4 1     10. "Local school board" means a school board exercising  
4 2 management and control of a local school district pursuant to  
4 3 state statutes.
- 4 4     11. "Local school district" means a public agency that  
4 5 establishes and supervises one or more public schools within  
4 6 its geographical limits pursuant to state statutes.
- 4 7     12. "Noncharter public school" means a public school that is  
4 8 under the direct management, governance, and control of a local  
4 9 school board.
- 4 10    13. "Parent" means a parent, guardian, or other person or  
4 11 entity having legal custody of a child.
- 4 12    14. "Public charter school" means a public school  
4 13 established under this chapter that meets the following  
4 14 criteria:
- 4 15     a. Has autonomy over decisions including but not limited to  
4 16 matters concerning finance, personnel, scheduling, curriculum,  
4 17 and instruction.
- 4 18     b. Is governed by an independent governing board.
- 4 19     c. Is established and operating under the terms of a charter  
4 20 contract between the school's board and its authorizer.
- 4 21     d. Is a school to which parents choose to send their  
4 22 children.
- 4 23     e. Admits students on the basis of a lottery if more  
4 24 students apply for admission than can be accommodated.
- 4 25     f. Provides a program of education that includes one or  
4 26 more of the following: preschool, prekindergarten, any grade  
4 27 or grades from kindergarten through grade twelve, and adult  
4 28 community, continuing, and vocational education programs.
- 4 29     g. Operates in pursuit of a specific set of educational  
4 30 objectives as defined in its charter contract.
- 4 31     h. Operates under the oversight of its authorizer in  
4 32 accordance with its charter contract.
- 4 33    15. "Start-up public charter school" means a public charter  
4 34 school that did not exist as a noncharter public school prior  
4 35 to becoming a public charter school.





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5 1     16. "Student" means any child who is eligible for attendance  
5 2 in public schools in the state.

5 3     17. "Virtual public charter school" means a public charter  
5 4 school that offers educational services predominantly through  
5 5 the internet.

5 6     Sec. 5. NEW SECTION. 257A.4 Enrollment.

5 7     1. Enrollment requirements. Open enrollment and lottery  
5 8 requirements are as follows:

5 9     a. A public charter school shall be open to any student  
5 10 residing in the state.

5 11    b. A school district shall not require any student enrolled  
5 12 in the school district to attend a public charter school.

5 13    c. A public charter school shall not limit admission based  
5 14 on ethnicity, national origin, religion, gender, income level,  
5 15 disabling condition, proficiency in the English language, or  
5 16 academic or athletic ability.

5 17    d. A public charter school may limit admission to students  
5 18 within a given age group or grade level and may be organized  
5 19 around a special emphasis, theme, or concept as stated in the  
5 20 school's application.

5 21    e. A public charter school shall enroll all students who  
5 22 wish to attend the school, unless the number of students  
5 23 exceeds the capacity of a program, class, grade level, or  
5 24 building.

5 25    f. If capacity is insufficient to enroll all students who  
5 26 wish to attend the school, the public charter school shall  
5 27 select students through a lottery.

5 28    2. Enrollment preferences. Enrollment preferences include  
5 29 the following:

5 30    a. Any noncharter public school converting partially or  
5 31 entirely to a public charter school shall adopt and maintain  
5 32 a policy giving enrollment preference to students who reside  
5 33 within the former attendance area of that public school.

5 34    b. A public charter school shall give enrollment preference  
5 35 to students enrolled in the public charter school the previous



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6 1 school year and to siblings of students already enrolled in the  
6 2 public charter school. An enrollment preference for returning  
6 3 students excludes those students from entering into a lottery.  
6 4 c. A public charter school may give enrollment preference to  
6 5 children of a public charter school's founders, governing board  
6 6 members, and full-time employees, so long as they constitute no  
6 7 more than ten percent of the school's total student population.  
6 8 3. Focusing of mission. This section does not preclude  
6 9 the formation of a public charter school whose mission is  
6 10 focused on serving students with disabilities, students of  
6 11 the same gender, students who pose such severe disciplinary  
6 12 problems that they warrant a specific educational program, or  
6 13 students who are at risk of academic failure. If capacity is  
6 14 insufficient to enroll all students who wish to attend such  
6 15 school, the public charter school shall select students through  
6 16 a lottery.  
6 17 4. Credit transferability. If a student who was previously  
6 18 enrolled in a public charter school enrolls in another public  
6 19 school in this state, the student's new school shall accept  
6 20 credits earned by the student in courses or instructional  
6 21 programs at the public charter school in a uniform and  
6 22 consistent manner and according to the same criteria that are  
6 23 used to accept academic credits from other public schools.  
6 24 5. Information to parents and the general public. A local  
6 25 school district shall provide or publicize to parents and  
6 26 the general public information about public charter schools  
6 27 authorized by the district as an enrollment option within the  
6 28 district to the same extent and through the same means that the  
6 29 district provides and publicizes information about noncharter  
6 30 public schools in the district.  
6 31 6. Determination of student capacity of public charter  
6 32 schools. An authorizer shall not restrict the number of  
6 33 students a public charter school may enroll. The capacity of  
6 34 the public charter school shall be determined annually by the  
6 35 governing board of the public charter school in conjunction



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7 1 with the authorizer and in consideration of the public charter  
7 2 school's ability to facilitate the academic success of its  
7 3 students, to achieve the other objectives specified in the  
7 4 charter contract, and to ensure that its student enrollment  
7 5 does not exceed the capacity of its facility or site.  
7 6     Sec. 6. NEW SECTION. 257A.5 Authorizers.  
7 7     1. Authority to authorize. The state public charter school  
7 8 commission may authorize public charter schools anywhere in the  
7 9 state, provided that the commission fulfills requirements of  
7 10 all public charter school authorizers under this chapter.  
7 11     2. Eligible authorizing entities. The following eligible  
7 12 authorizing entities may register with the commission:  
7 13     a. A local school board for chartering authority within the  
7 14 boundaries of the local school district overseen by the local  
7 15 school board.  
7 16     b. Governing boards of accredited public or private  
7 17 postsecondary institutions, including community colleges and  
7 18 four-year colleges and universities for statewide, regional,  
7 19 or local chartering authority, in accordance with each  
7 20 institution's regular operating jurisdiction.  
7 21     c. A city may apply to the commission for chartering  
7 22 authority within the city's jurisdiction.  
7 23     d. Governing boards of nonprofit or charitable  
7 24 organizations, which are exempt from federal taxes under  
7 25 section 501(c)(3) or 501(c)(6) of the Internal Revenue Code,  
7 26 for statewide, regional, or local chartering authority.  
7 27 Nonpublic sectarian or religious organizations, and any other  
7 28 charitable organization which in their federal IRS Form 1023,  
7 29 Part IV, describe activities indicating a religious purpose,  
7 30 are not eligible to apply to become an authorizer.  
7 31     3. Authorizer powers, duties, and liabilities.  
7 32     a. Authorizers are responsible for executing, in accordance  
7 33 with this chapter, the following essential powers and duties:  
7 34         (1) Soliciting and evaluating charter applications.  
7 35         (2) Approving quality charter applications that meet



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8 1 identified educational needs and promote a diversity of  
8 2 educational choices.  
8 3 (3) Declining to approve weak or inadequate charter  
8 4 applications.  
8 5 (4) Negotiating and executing sound charter contracts with  
8 6 each approved public charter school.  
8 7 (5) Monitoring, in accordance with charter contract terms,  
8 8 the performance and legal compliance of public charter schools.  
8 9 (6) Determining whether each charter contract merits  
8 10 renewal, nonrenewal, or revocation.  
8 11 b. An authorizing entity may delegate its duties to offices,  
8 12 employees, and contractors.  
8 13 c. Regulation by authorizers shall be limited to these  
8 14 powers and duties, and consistent with the spirit and intent of  
8 15 this chapter.  
8 16 d. An authorizing entity, members of the board of an  
8 17 authorizer in their official capacity, and employees of an  
8 18 authorizer are immune from civil and criminal liability with  
8 19 respect to all activities related to a public charter school  
8 20 they authorize.  
8 21 4. Principles and standards for charter authorizing. All  
8 22 authorizers shall be required to develop and maintain  
8 23 chartering policies and practices consistent with nationally  
8 24 recognized principles and standards for quality charter  
8 25 authorizing in all major areas of authorizing responsibility  
8 26 including: organizational capacity and infrastructure;  
8 27 soliciting and evaluating charter applications; performance  
8 28 contracting; ongoing public charter school oversight and  
8 29 evaluation; and charter renewal decision-making. Authorizers  
8 30 shall carry out all their duties under this chapter in a  
8 31 manner consistent with such nationally recognized principles  
8 32 and standards and with the spirit and intent of this chapter.  
8 33 Evidence of material or persistent failure to do so shall  
8 34 constitute grounds for losing charter authorizing powers.  
8 35 5. Authorizer reporting. Every authorizer shall be required



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9 1 to submit to the commission and the general assembly an annual  
9 2 report summarizing:  
9 3     a. The authorizer's strategic vision for chartering and  
9 4 progress toward achieving that vision.  
9 5     b. The academic and financial performance of all operating  
9 6 public charter schools overseen by the authorizer, according  
9 7 to the performance expectations for public charter schools set  
9 8 forth in this chapter.  
9 9     c. The status of the authorizer's public charter school  
9 10 portfolio, identifying all public charter schools in each of  
9 11 the following categories: approved, but not yet open; and  
9 12 operating, renewed, transferred; and revoked, not renewed,  
9 13 voluntarily closed, or never opened.  
9 14     d. The authorizing functions provided by the authorizer  
9 15 to the public charter schools under its purview, including  
9 16 the authorizer's operating costs and expenses detailed in  
9 17 annual audited financial statements that conform with generally  
9 18 accepted accounting principles.  
9 19     e. The services purchased from the authorizer by the public  
9 20 charter schools under its purview, including an itemized  
9 21 accounting of the actual costs of these services, as required  
9 22 in subsection 9.  
9 23     6. Authorizer funding.  
9 24     a. To cover authorizer costs for overseeing public charter  
9 25 schools in accordance with this chapter, the commission shall  
9 26 remit to each authorizer an oversight fee for each public  
9 27 charter school it authorizes. The oversight fee shall be drawn  
9 28 from and calculated as a uniform percentage of the per=student  
9 29 operational funding allocated to each public charter school  
9 30 under section 257A.10, subsection 2, not to exceed three  
9 31 percent of each public charter school's per=student funding  
9 32 in a single school year. The commission shall establish a  
9 33 statewide formula for authorizer funding, which shall apply  
9 34 uniformly to every authorizer in the state. The commission  
9 35 shall submit the formula, and any succeeding amendments to



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10 1 the formula, to the department of management, the general  
10 2 assembly, and the governor, and shall provide any additional  
10 3 information required by the department of management.  
10 4 The formula shall be established by statute prior to the  
10 5 appropriation or distribution of state funds for purposes of  
10 6 establishing a public charter school. The commission may  
10 7 establish a sliding scale for authorizer funding, with the  
10 8 funding percentage decreasing after the authorizer has achieved  
10 9 a certain threshold, such as after a certain number of years  
10 10 of authorizing or after a certain number of schools has been  
10 11 authorized.  
10 12 b. An authorizer's oversight fee shall not include any  
10 13 costs incurred in delivering services that a public charter  
10 14 school may purchase at its discretion from the authorizer.  
10 15 The authorizer shall use its funding provided under this  
10 16 section exclusively for the purpose of fulfilling authorizing  
10 17 obligations in accordance with this chapter.  
10 18 c. The commission shall annually review the effectiveness of  
10 19 the state formula for authorizer funding, and shall adjust the  
10 20 formula if necessary to maximize public benefit and strengthen  
10 21 the implementation of this chapter.  
10 22 7. Conflicts of interest. An employee, trustee, agent,  
10 23 or representative of an authorizer shall not simultaneously  
10 24 serve as an employee, trustee, agent, representative, vendor,  
10 25 or contractor of a public charter school authorized by that  
10 26 authorizer.  
10 27 8. Exclusivity of authorizing functions and rights. A  
10 28 governmental or other entity, other than those expressly  
10 29 granted chartering authority as set forth in this chapter or  
10 30 chapter 256F, shall not assume any charter authorizing function  
10 31 or duty in any form, unless expressly allowed by law.  
10 32 9. Services purchased from authorizer ==== itemized accounting.  
10 33 a. With the exception of oversight services as required by  
10 34 subsection 6, a public charter school shall not be required to  
10 35 purchase services from its authorizer as a condition of charter



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11 1 approval or of executing a charter contract, and any such  
11 2 condition shall not be implied.

11 3     b. A public charter school may, at its discretion, choose  
11 4 to purchase services from its authorizer. In such event, the  
11 5 public charter school and authorizer shall execute an annual  
11 6 service contract, separate from the charter contract, stating  
11 7 the parties' mutual agreement concerning any services to be  
11 8 provided by the authorizer and any service fees to be charged  
11 9 to the public charter school. An authorizer shall not charge  
11 10 more than market rates for services provided to a public  
11 11 charter school.

11 12     c. Within thirty days after the end of each fiscal year,  
11 13 an authorizer shall provide to each public charter school it  
11 14 oversees an itemized accounting of the actual costs of services  
11 15 purchased by the public charter school from the authorizer.  
11 16 Any difference between the amount initially charged to the  
11 17 public charter school and the actual cost shall be reconciled  
11 18 and paid to the owed party. If either party disputes the  
11 19 itemized accounting, any charges included in such accounting,  
11 20 or charges to either party, the disputing party is entitled to  
11 21 request a third-party review at its own expense. The review  
11 22 shall be conducted by the commission, whose determination shall  
11 23 be final.

11 24     Sec. 7. NEW SECTION. 257A.6 Iowa public charter school  
11 25 commission.

11 26     1. An Iowa public charter school commission is created as an  
11 27 independent state agency with statewide chartering jurisdiction  
11 28 and authority.

11 29     2. The mission of the commission shall be to authorize  
11 30 high-quality public charter schools throughout the state,  
11 31 particularly schools designed to expand opportunities for  
11 32 at-risk students, consistent with the purposes of this chapter.

11 33     3. The commission shall consist of nine members serving  
11 34 three-year terms. Five members shall be appointed by the  
11 35 governor; one member shall be appointed by the president of



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12 1 the senate after consultation with the majority leader; one  
12 2 member shall be appointed by the minority leader of the senate;  
12 3 one member shall be appointed by the speaker of the house  
12 4 of representatives; and one member shall be appointed by the  
12 5 minority leader of the house of representatives. A member  
12 6 shall not serve more than seven consecutive years. In making  
12 7 the appointments, the governor, the president of the senate,  
12 8 the speaker of the house of representatives, and the respective  
12 9 minority leaders shall ensure statewide geographic diversity  
12 10 among commission members.

12 11 4. Members appointed to the commission shall collectively  
12 12 possess strong experience and expertise in public and  
12 13 nonprofit governance, management and finance, public school  
12 14 leadership, assessment, and curriculum and instruction, and  
12 15 public education law. All members of the commission shall  
12 16 have demonstrated understanding of and commitment to charter  
12 17 schooling as a strategy for strengthening public education.

12 18 5. Notwithstanding subsection 3, to establish staggered  
12 19 terms of office, the governor and the senate and house  
12 20 of representatives appointing authorities as provided in  
12 21 subsection 3 shall each collectively appoint three members to  
12 22 an initial term of one year, three members to an initial term  
12 23 of two years, and three members to an initial term of three  
12 24 years. The initial appointments shall be made no later than  
12 25 May 1, 2012. This subsection is repealed July 1, 2015.

12 26 6. A member of the commission may be removed for any cause  
12 27 that renders the member incapable or unfit to discharge the  
12 28 duties of the office. Whenever a vacancy on the commission  
12 29 exists, the original appointing authority shall appoint a  
12 30 member for the remaining portion of the term.

12 31 7. The commission may receive and expend gifts, grants,  
12 32 and donations of any kind from any public or private entity to  
12 33 carry out the purposes of this chapter, subject to the terms  
12 34 and conditions under which they are given, provided that all  
12 35 such terms and conditions are permissible under law.





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13 1       8. The commission shall operate with dedicated resources  
13 2 and staff qualified to execute the day=to=day responsibilities  
13 3 of public charter school authorizing in accordance with this  
13 4 chapter.

13 5       9. Chartering authority registration of local school boards.  
13 6       a. The commission shall publicize to all local school boards  
13 7 the opportunity to register with the state for chartering  
13 8 authority within the local school districts they oversee. By  
13 9 October 1 annually, the commission shall provide information  
13 10 about the opportunity, including a registration deadline, to  
13 11 all local school boards. To register as a charter authorizer  
13 12 in its local school district, each interested local school  
13 13 board shall submit the following information in a format to be  
13 14 established by the commission:

13 15       (1) Written notification of intent to serve as a charter  
13 16 authorizer in accordance with this chapter.

13 17       (2) An explanation of the local school board's strategic  
13 18 vision for chartering.

13 19       (3) An explanation of the local school board's budget and  
13 20 personnel capacity and commitment to execute the duties of  
13 21 quality charter authorizing, in accordance with this chapter.

13 22       (4) An explanation of how the local school board will  
13 23 solicit public charter school applicants, in accordance with  
13 24 this chapter.

13 25       (5) A description or outline of the performance framework  
13 26 the local school board will use to guide the establishment of a  
13 27 charter contract and for ongoing oversight and evaluation of  
13 28 public charter schools, consistent with the requirements of  
13 29 this chapter.

13 30       (6) A draft of the local school board's renewal, revocation,  
13 31 and nonrenewal processes, consistent with section 257A.8,  
13 32 subsection 3.

13 33       (7) A statement of assurance that the local school board  
13 34 commits to serving as a charter authorizer in fulfillment of  
13 35 the expectations, spirit, and intent of this chapter, and



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14 1 will fully participate in any authorizer training provided or  
14 2 required by the state.  
14 3     b. Within sixty days of receipt of a local school board's  
14 4 duly submitted registration materials, the commission shall  
14 5 register the local school board as a charter authorizer  
14 6 within the local school board's local school district, and  
14 7 shall provide the local school board a letter confirming its  
14 8 registration as a charter authorizer. A local school board  
14 9 shall not engage in any charter=authorizing functions without  
14 10 current registration as a charter authorizer with the state.  
14 11 Once registered, the local school board's registration as a  
14 12 charter authorizer shall continue from year to year, provided  
14 13 that the local school board fulfills all charter=authorizing  
14 14 duties and expectations set forth in this chapter and remains  
14 15 an authorizer in good standing with the commission.  
14 16     10. Chartering authority application for eligible entities.  
14 17     a. The commission shall establish the annual application  
14 18 and approval process, including cycles and deadlines during the  
14 19 fiscal year, for all entities eligible to apply for chartering  
14 20 authority. By December 1 of each year, the commission shall  
14 21 make available information and guidelines for all eligible  
14 22 entities concerning the opportunity to apply for chartering  
14 23 authority under this chapter. The application process  
14 24 shall require each interested eligible entity to submit an  
14 25 application that clearly explains or presents the following  
14 26 elements:  
14 27         (1) Written notification of intent to serve as a charter  
14 28 authorizer in accordance with this chapter.  
14 29         (2) The applicant entity's strategic vision for chartering.  
14 30         (3) A plan to support the vision presented, including  
14 31 explanation and evidence of the applicant entity's budget  
14 32 and personnel capacity and commitment to execute the  
14 33 responsibilities of quality charter authorizing, in accordance  
14 34 with this chapter.  
14 35         (4) A draft or preliminary outline of the request for



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15 1 proposals that the applicant entity would, if approved as a  
15 2 charter authorizer, issue to solicit public charter school  
15 3 applicants, consistent with section 257A.7, subsection 1.  
15 4 (5) A draft of the performance framework that the applicant  
15 5 entity would, if approved as a charter authorizer, use to  
15 6 guide the establishment of a charter contract and for ongoing  
15 7 oversight and evaluation of public charter schools, consistent  
15 8 with the requirements of this chapter.  
15 9 (6) A draft of the applicant entity's renewal, revocation,  
15 10 and nonrenewal processes, consistent with section 257A.8,  
15 11 subsection 3.  
15 12 (7) A statement of assurance that the applicant entity  
15 13 seeks to serve as a charter authorizer in fulfillment of the  
15 14 expectations, spirit, and intent of this chapter, and that  
15 15 if approved as a charter authorizer, the entity will fully  
15 16 participate in any authorizer training provided or required by  
15 17 the state.  
15 18 (8) A statement of assurance that the applicant will  
15 19 ensure public accountability and transparency in all matters  
15 20 concerning their charter=authorizing practices, decisions, and  
15 21 expenditures.  
15 22 b. By February 1 of each year, the commission shall  
15 23 decide whether to grant or deny chartering authority to each  
15 24 applicant. The commission shall make its decisions on the  
15 25 merits of each applicant's proposal and plans.  
15 26 c. Within thirty days of the commission's decision, the  
15 27 commission shall execute a renewable authorizing contract with  
15 28 each entity it has approved for chartering authority. The  
15 29 initial term of each authorizing contract shall be six years.  
15 30 The authorizing contract shall specify each approved entity's  
15 31 agreement to serve as a charter authorizer in accordance with  
15 32 the expectations of this chapter, and shall specify additional  
15 33 performance terms based on the applicant's proposal and plan  
15 34 for chartering. An approved entity shall not commence charter  
15 35 authorizing without an authorizing contract in effect.



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16 1 11. Oversight of public charter school authorizers.

16 2 a. The commission shall be responsible for overseeing the  
16 3 performance and effectiveness of all authorizers established  
16 4 under this chapter.

16 5 b. In accordance with section 257A.5, subsection 5, every  
16 6 authorizer shall be required to submit to the commission and  
16 7 the general assembly an annual report. The commission shall,  
16 8 by February 1 annually, communicate to every authorizer the  
16 9 requirements for the format, content, and submission of the  
16 10 annual report.

16 11 c. Persistently unsatisfactory performance of an  
16 12 authorizer's portfolio of public charter schools, a pattern  
16 13 of well-founded complaints about the authorizer or its public  
16 14 charter schools, or other objective circumstances may trigger a  
16 15 special review by the commission. In reviewing or evaluating  
16 16 the performance of authorizers the commission shall apply  
16 17 nationally recognized principles and standards for quality  
16 18 charter authorizing. If at any time the commission finds that  
16 19 an authorizer is not in compliance with an existing charter  
16 20 contract, its authorizing contract with the commission, or  
16 21 the requirements of all authorizers under this chapter, the  
16 22 commission shall notify the authorizer in writing of the  
16 23 identified problems, and the authorizer shall have reasonable  
16 24 opportunity to respond and remedy the problems.

16 25 d. If a local school board registered as an authorizer under  
16 26 subsection 9 persists in violating a material provision of a  
16 27 charter contract or fails to remedy other authorizing problems  
16 28 after due notice from the commission, the commission shall  
16 29 notify the local school board, within a reasonable amount of  
16 30 time under the circumstances, that it intends to terminate the  
16 31 local school board's chartering authority unless the local  
16 32 school board demonstrates a timely and satisfactory remedy for  
16 33 the violation or deficiencies.

16 34 e. If an authorizer granted chartering authority under  
16 35 subsection 10 persists, after due notice from the commission,



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17 1 in violating a material provision of a charter contract or  
17 2 its authorizing contract with the commission, or fails to  
17 3 remedy other identified authorizing problems, the commission  
17 4 shall notify the authorizer, within a reasonable amount  
17 5 of time under the circumstances, that it intends to revoke  
17 6 the authorizer's chartering authority unless the authorizer  
17 7 demonstrates a timely and satisfactory remedy for the violation  
17 8 or deficiencies.

17 9 f. In the event of revocation of any authorizer's chartering  
17 10 authority, the commission shall manage the timely and orderly  
17 11 transfer of each charter contract held by that authorizer to  
17 12 another authorizer in the state, with the mutual agreement  
17 13 of each affected public charter school and proposed new  
17 14 authorizer. The new authorizer shall assume the existing  
17 15 charter contract for the remainder of the charter term.

17 16 Sec. 8. NEW SECTION. 257A.7 Application process.

17 17 1. Request for proposals.

17 18 a. To solicit, encourage, and guide the development of  
17 19 quality public charter school applications, every authorizer  
17 20 operating under this chapter shall issue and broadly publicize  
17 21 a request for proposals by August 1. The content and  
17 22 dissemination of the request for proposals shall be consistent  
17 23 with the purposes and requirements of this chapter.

17 24 b. Charter applicants may submit a proposal for a particular  
17 25 public charter school to no more than one authorizer at a time.

17 26 c. The commission shall annually establish and disseminate  
17 27 a statewide timeline for charter approval or denial decisions,  
17 28 which shall apply to all authorizers in the state.

17 29 d. Each authorizer's request for proposals shall present the  
17 30 authorizer's strategic vision for chartering, including a clear  
17 31 statement of any preferences the authorizer wishes to grant to  
17 32 applications that assist at-risk students.

17 33 e. The request for proposals shall include or otherwise  
17 34 direct applicants to the performance framework that the  
17 35 authorizer has developed for public charter school oversight



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18 1 and evaluation in accordance with section 257A.8, subsection 1.  
18 2 f. The request for proposals shall include the criteria  
18 3 that will guide the authorizer's decision to approve or deny  
18 4 a charter application.  
18 5 g. The request for proposals shall state clear,  
18 6 appropriately detailed questions as well as guidelines  
18 7 concerning the format and content essential for applicants to  
18 8 demonstrate the capacities necessary to establish and operate a  
18 9 successful public charter school.  
18 10 h. The request for proposals shall require charter  
18 11 applications to provide or describe thoroughly, and each  
18 12 charter application shall provide or describe thoroughly, all  
18 13 of the following essential elements of the proposed school  
18 14 plan:  
18 15 (1) An executive summary.  
18 16 (2) The mission and vision of the proposed public charter  
18 17 school, including identification of the targeted student  
18 18 population and the community the school hopes to serve.  
18 19 (3) The location or geographic area proposed for the school.  
18 20 (4) The grades to be served each year for the full term of  
18 21 the charter contract.  
18 22 (5) Minimum, planned, and maximum enrollment per grade per  
18 23 year for the term of the charter contract.  
18 24 (6) Evidence of need and community support for the proposed  
18 25 public charter school.  
18 26 (7) Background information on the proposed founding  
18 27 governing board members and, if identified, the proposed school  
18 28 leadership and management team.  
18 29 (8) The school's proposed calendar and sample daily  
18 30 schedule.  
18 31 (9) A description of the academic program aligned with  
18 32 the comprehensive school improvement plan and reporting  
18 33 requirements of section 256.7, subsection 21; the core  
18 34 curriculum established pursuant to section 256.7, subsection  
18 35 26; the core content standards established pursuant to section



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19 1 256.7, subsection 28; and the state educational standards  
19 2 pursuant to section 256.11.  
19 3 (10) A description of the school's instructional design,  
19 4 including the type of learning environment, class size and  
19 5 structure, curriculum overview, and teaching methods.  
19 6 (11) The school's plan for using internal and external  
19 7 assessments to measure and report student progress on the  
19 8 performance framework developed by the authorizer in accordance  
19 9 with section 257A.8, subsection 1.  
19 10 (12) The school's plans for identifying and successfully  
19 11 serving students with disabilities, children requiring special  
19 12 education pursuant to chapter 256B, students who are English  
19 13 language learners, students who are academically behind, and  
19 14 gifted students, including but not limited to compliance with  
19 15 applicable laws and rules.  
19 16 (13) A description of cocurricular or extracurricular  
19 17 programs and how they will be funded and delivered.  
19 18 (14) Plans and timelines for student recruitment and  
19 19 enrollment, including lottery procedures.  
19 20 (15) The school's student discipline policies, including  
19 21 those for children requiring special education as defined in  
19 22 section 256B.2, subsection 1, paragraph "a".  
19 23 (16) An organization chart that clearly presents the public  
19 24 charter school's organizational structure, including lines of  
19 25 authority and reporting between the governing board, staff,  
19 26 any related advisory bodies or councils, and any external  
19 27 organizations that will play a role in managing the school.  
19 28 (17) A clear description of the roles and responsibilities  
19 29 for the governing board, the public charter school's leadership  
19 30 and management team, and any other entities shown in the  
19 31 organization chart.  
19 32 (18) A staffing chart for the public charter school's first  
19 33 year, and a staffing plan for the term of the charter.  
19 34 (19) Plans for recruiting and developing public charter  
19 35 school leadership and staff.



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20 1       (20) The public charter school's leadership and teacher  
20 2 employment policies, including performance evaluation plans.  
20 3       (21) Proposed governing bylaws.  
20 4       (22) Explanations of any partnerships or contractual  
20 5 relationships central to the public charter school's operations  
20 6 or mission.  
20 7       (23) The public charter school's plans for providing  
20 8 transportation, food service, and all other significant  
20 9 operational or ancillary services.  
20 10      (24) Opportunities and expectations for parent involvement.  
20 11      (25) A detailed public charter school start=up plan,  
20 12 identifying tasks, timelines, and responsible individuals.  
20 13      (26) Description of the public charter school's financial  
20 14 plan and policies, including financial controls and audit  
20 15 requirements.  
20 16      (27) A description of the insurance coverage the public  
20 17 charter school will obtain.  
20 18      (28) Start=up and five=year budgets with clearly stated  
20 19 assumptions.  
20 20      (29) Start=up and first=year cash=flow projections with  
20 21 clearly stated assumptions.  
20 22      (30) Evidence of anticipated fund=raising contributions,  
20 23 if claimed in the application.  
20 24      (31) A sound facilities plan, including backup or  
20 25 contingency plans if appropriate.  
20 26      i. In the case of an application to establish a public  
20 27 charter school by converting an existing noncharter public  
20 28 school to public charter school status, the request for  
20 29 proposals shall additionally require the applicants to  
20 30 demonstrate support for the proposed public charter school  
20 31 conversion by a petition signed by a majority of teachers and  
20 32 a petition signed by a majority of parents of students in the  
20 33 existing noncharter public school.  
20 34      j. In the case of a proposal to establish a virtual public  
20 35 charter school, the request for proposals shall additionally





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21 1 require the applicants to describe the proposed virtual public  
21 2 charter school's system of course credits and how the school  
21 3 will do the following:  
21 4       (1) Monitor and verify full-time student enrollment,  
21 5 student participation in a full course load, credit accrual,  
21 6 and course completion.  
21 7       (2) Monitor and verify student progress and performance  
21 8 in each course through regular, proctored assessments and  
21 9 submissions of coursework.  
21 10       (3) Conduct parent-teacher conferences.  
21 11       (4) Administer state-required assessments to all students  
21 12 in a proctored setting.  
21 13     k. In the case of a proposed public charter school that  
21 14 intends to contract with an education service provider for  
21 15 substantial educational services, management services, or both  
21 16 types of services, the request for proposals shall additionally  
21 17 require the applicants to do the following:  
21 18       (1) Provide evidence of the education service provider's  
21 19 success in serving student populations similar to the targeted  
21 20 population, including demonstrated academic achievement as well  
21 21 as successful management of nonacademic school functions if  
21 22 applicable.  
21 23       (2) Provide a term sheet setting forth the proposed  
21 24 duration of the service contract; roles and responsibilities  
21 25 of the governing board, the school staff, and the service  
21 26 provider; scope of services and resources to be provided  
21 27 by the education service provider; performance evaluation  
21 28 measures and timelines; compensation structure, including clear  
21 29 identification of all fees to be paid to the education service  
21 30 provider; methods of contract oversight and enforcement;  
21 31 investment disclosure; and conditions for renewal and  
21 32 termination of the contract.  
21 33       (3) Disclose and explain any existing or potential  
21 34 conflicts of interest between the public charter school  
21 35 governing board and the proposed education service provider or



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22 1 any affiliated business entities.  
22 2 1. In the case of a public charter school proposal from an  
22 3 applicant that currently operates one or more schools in any  
22 4 state or nation, the request for proposals shall additionally  
22 5 require the applicant to provide evidence of past performance  
22 6 and current capacity for growth.  
22 7 2. Application decision-making process.  
22 8 a. In reviewing and evaluating charter applications,  
22 9 authorizers shall employ procedures, practices, and criteria  
22 10 consistent with nationally recognized principles and standards  
22 11 for quality charter authorizing. The application review  
22 12 process shall include thorough evaluation of each written  
22 13 charter application, an in-person interview with the applicant  
22 14 group, and an opportunity in a public forum for local residents  
22 15 to learn about and provide input on each application.  
22 16 b. In deciding whether to approve charter applications,  
22 17 authorizers shall do the following:  
22 18 (1) Grant charters only to applicants that have  
22 19 demonstrated competence in each element of the authorizer's  
22 20 published approval criteria and are likely to open and operate  
22 21 a successful public charter school.  
22 22 (2) Base decisions on documented evidence collected through  
22 23 the application review process.  
22 24 (3) Follow charter-granting policies and practices that are  
22 25 transparent, based on merit, and avoid conflicts of interest or  
22 26 any appearance of conflicts of interests.  
22 27 c. No later than ninety days after the filing of a charter  
22 28 application, the authorizer shall decide to approve or deny the  
22 29 charter application. The authorizer shall adopt by resolution  
22 30 all charter approval or denial decisions in an open meeting of  
22 31 the authorizer's governing board.  
22 32 d. An approval decision may include, if appropriate,  
22 33 reasonable conditions that the charter applicant must  
22 34 meet before a charter contract may be executed pursuant to  
22 35 subsection 5.



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23 1 e. For any charter denial, the authorizer shall clearly  
23 2 state, for public record, its reasons for denial. A denied  
23 3 applicant may subsequently reapply to that authorizer or apply  
23 4 to any other authorizer in the state.

23 5 f. Within ten days of taking action to approve or deny  
23 6 a charter application, the authorizer shall report to the  
23 7 commission the action it has taken. The authorizer shall  
23 8 provide a copy of the report to the charter applicant at the  
23 9 same time that the report is submitted to the commission. The  
23 10 report shall include a copy of the authorizer governing board's  
23 11 resolution setting forth the action taken and reasons for  
23 12 the decision and assurances as to compliance with all of the  
23 13 procedural requirements and application elements set forth in  
23 14 this section.

23 15 3. Purposes and limitations of charter applications. The  
23 16 purposes of the charter application are to present the proposed  
23 17 public charter school's academic and operational vision and  
23 18 plans, demonstrate the applicant's capacities to execute the  
23 19 proposed vision and plans, and provide the authorizer a clear  
23 20 basis for assessing the applicant's plans and capacities. An  
23 21 approved charter application shall not serve as the school's  
23 22 charter contract.

23 23 4. Initial charter term. An initial charter shall be  
23 24 granted for a term of five operating years. The charter term  
23 25 shall commence on the public charter school's first day of  
23 26 operation. An approved public charter school may delay its  
23 27 opening for one school year in order to plan and prepare for  
23 28 the school's opening. If the public charter school requires  
23 29 an opening delay of more than one school year, the school must  
23 30 request an extension from its authorizer. The authorizer may  
23 31 grant or deny the extension depending on the particular public  
23 32 charter school's circumstances.

23 33 5. Charter contracts.

23 34 a. Within thirty days of approval of a charter application,  
23 35 the authorizer and the governing board of the approved



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24 1 public charter school shall execute a charter contract that  
24 2 clearly sets forth the academic and operational performance  
24 3 expectations and measures by which the public charter school  
24 4 will be judged and the administrative relationship between the  
24 5 authorizer and public charter school, including each party's  
24 6 rights and duties. The performance expectations and measures  
24 7 set forth in the charter contract shall include but need not  
24 8 be limited to applicable federal and state accountability  
24 9 requirements. The performance provisions may be refined or  
24 10 amended by mutual agreement after the public charter school is  
24 11 operating and has collected baseline achievement data for its  
24 12 enrolled students.

24 13     b. The charter contract for a virtual public charter school  
24 14 shall include description and agreement regarding the methods  
24 15 by which the school will do the following:

24 16         (1) Monitor and verify full-time student enrollment,  
24 17 student participation in a full course load, credit accrual,  
24 18 and course completion.

24 19         (2) Monitor and verify student progress and performance  
24 20 in each course through regular, proctored assessments and  
24 21 submissions of coursework.

24 22         (3) Conduct parent-teacher conferences.

24 23         (4) Administer state-required assessments to all students  
24 24 in a proctored setting.

24 25     c. The charter contract shall be signed by the president  
24 26 of the authorizer's governing board and the president of the  
24 27 public charter school's governing body. Within ten days of  
24 28 executing a charter contract, the authorizer shall submit to  
24 29 the commission written notification of the charter contract  
24 30 execution, including a copy of the executed charter contract  
24 31 and any attachments.

24 32     d. A public charter school shall not commence operations  
24 33 without a charter contract executed in accordance with this  
24 34 subsection and approved in an open meeting of the authorizer's  
24 35 governing board.



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25 1       6. Preopening requirements or conditions. Authorizers may  
25 2 establish reasonable preopening requirements or conditions  
25 3 to monitor the start-up progress of newly approved public  
25 4 charter schools and ensure that they are prepared to open  
25 5 smoothly on the date agreed, and to ensure that each school  
25 6 meets all building, health, safety, insurance, and other legal  
25 7 requirements for school opening.  
25 8       Sec. 9. NEW SECTION. 257A.8 Accountability.  
25 9       1. Performance framework.  
25 10      a. The performance provisions within the charter contract  
25 11 shall be based on a performance framework that clearly sets  
25 12 forth the academic and operational performance indicators,  
25 13 measures, and metrics that will guide the authorizer's  
25 14 evaluations of each public charter school. The performance  
25 15 framework shall include indicators, measures, and metrics for,  
25 16 at a minimum, all of the following:  
25 17      (1) Student academic proficiency.  
25 18      (2) Student academic growth.  
25 19      (3) Achievement gaps in both proficiency and growth between  
25 20 major student subgroups.  
25 21      (4) Attendance.  
25 22      (5) Recurrent enrollment from year to year.  
25 23      (6) For secondary schools, postsecondary readiness.  
25 24      (7) Financial performance and sustainability.  
25 25      (8) Board performance and stewardship, including compliance  
25 26 with all applicable laws, rules, and terms of the charter  
25 27 contract.  
25 28      b. Annual performance targets shall be set by each public  
25 29 charter school in conjunction with its authorizer, and shall be  
25 30 designed to help each school meet applicable federal, state,  
25 31 and authorizer expectations.  
25 32      c. The performance framework shall allow the inclusion of  
25 33 additional rigorous, valid, and reliable indicators proposed by  
25 34 a public charter school to augment external evaluations of its  
25 35 performance, provided that the authorizer approves the quality



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26 1 and rigor of such school=proposed indicators, and they are  
26 2 consistent with the purposes of this chapter.  
26 3 d. The performance framework shall require the  
26 4 disaggregation of all student performance data by major student  
26 5 subgroups including but not limited to gender, race, poverty  
26 6 status, special education status, English learner status, and  
26 7 talented and gifted status.  
26 8 e. For each public charter school it oversees, the  
26 9 authorizer shall be responsible for collecting, analyzing, and  
26 10 reporting all data from state assessments in accordance with  
26 11 the performance framework.  
26 12 f. Multiple public charter schools operating under a single  
26 13 charter contract or overseen by a single governing board  
26 14 shall be required to report their performance as separate,  
26 15 individual schools, and each school shall be held independently  
26 16 accountable for its performance.  
26 17 2. Ongoing oversight and corrective actions.  
26 18 a. An authorizer shall continually monitor the performance  
26 19 and legal compliance of the public charter schools it oversees,  
26 20 including collecting and analyzing data to support ongoing  
26 21 evaluation according to the charter contract. Every authorizer  
26 22 may conduct or require oversight activities that enable the  
26 23 authorizer to fulfill its responsibilities under this chapter,  
26 24 including conducting appropriate inquiries and investigations,  
26 25 so long as those activities are consistent with this chapter,  
26 26 adhere to the terms of the charter contract, and do not unduly  
26 27 inhibit the autonomy granted to public charter schools.  
26 28 b. Each authorizer shall annually publish and provide, as  
26 29 part of its annual report to the commission and the general  
26 30 assembly, a performance report for each public charter school  
26 31 it oversees, in accordance with the performance framework set  
26 32 forth in the charter contract and subsection 1. The authorizer  
26 33 may require each public charter school it oversees to submit an  
26 34 annual report to assist the authorizer in gathering complete  
26 35 information about each school, consistent with the performance



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27 1 framework.

27 2 c. If a public charter school's performance or legal  
27 3 compliance appears unsatisfactory, the authorizer shall  
27 4 promptly notify the public charter school of the perceived  
27 5 problem and provide reasonable opportunity for the school to  
27 6 remedy the problem, unless the problem warrants revocation in  
27 7 which case the revocation time frames will apply.

27 8 d. Every authorizer may take appropriate corrective actions  
27 9 or exercise sanctions short of revocation in response to  
27 10 apparent deficiencies in public charter school performance  
27 11 or legal compliance. Such actions or sanctions may include,  
27 12 if warranted, requiring a school to develop and execute a  
27 13 corrective action plan within a specified time frame.

27 14 3. Renewals, revocations, and nonrenewals.

27 15 a. A charter may be renewed for successive five-year terms  
27 16 of duration, although the authorizer may vary the term based  
27 17 on the performance, demonstrated capacities, and particular  
27 18 circumstances of each public charter school. An authorizer  
27 19 may grant renewal with specific conditions for necessary  
27 20 improvements to a public charter school.

27 21 b. No later than December 1 annually, the authorizer shall  
27 22 issue a public charter school performance report and charter  
27 23 renewal application guidance to any public charter school whose  
27 24 charter will expire the following year. The performance report  
27 25 shall summarize the public charter school's performance record  
27 26 to date, based on the data required by this chapter and the  
27 27 charter contract, and shall provide notice of any weaknesses  
27 28 or concerns perceived by the authorizer concerning the public  
27 29 charter school that may jeopardize its position in seeking  
27 30 renewal if not timely rectified. The public charter school  
27 31 shall have thirty days to respond to the performance report and  
27 32 submit any corrections or clarifications for the report.

27 33 c. The renewal application guidance shall, at a minimum,  
27 34 provide an opportunity for the public charter school to do the  
27 35 following:



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28 1 (1) Present additional evidence, beyond the data contained  
28 2 in the performance report, supporting its case for charter  
28 3 renewal.  
28 4 (2) Describe improvements undertaken or planned for the  
28 5 school.  
28 6 (3) Detail the school's plans for the next charter term.  
28 7 d. The renewal application guidance shall include or refer  
28 8 explicitly to the criteria that will guide the authorizer's  
28 9 renewal decisions, which shall be based on the performance  
28 10 framework set forth in the charter contract and consistent with  
28 11 this chapter.  
28 12 e. No later than August 1, the governing board of a  
28 13 public charter school seeking renewal beginning with the next  
28 14 fiscal year shall submit a renewal application to the charter  
28 15 authorizer pursuant to the renewal application guidance issued  
28 16 by the authorizer. The authorizer shall rule by resolution on  
28 17 the renewal application no later than ninety days after the  
28 18 filing of the renewal application.  
28 19 f. In making charter renewal decisions, every authorizer  
28 20 shall do the following:  
28 21 (1) Ground its decisions in evidence of the school's  
28 22 performance over the term of the charter contract in accordance  
28 23 with the performance framework set forth in the charter  
28 24 contract.  
28 25 (2) Ensure that data used in making renewal decisions are  
28 26 available to the school and the public.  
28 27 (3) Provide a public report summarizing the evidence basis  
28 28 for each decision.  
28 29 g. A charter contract may be revoked at any time or not  
28 30 renewed if the authorizer determines that the public charter  
28 31 school did any of the following or otherwise failed to comply  
28 32 with the provisions of this chapter:  
28 33 (1) Commits a material and substantial violation of any of  
28 34 the terms, conditions, standards, or procedures required under  
28 35 this chapter or the charter contract.





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29 1       (2) Fails to meet or make sufficient progress toward the  
29 2 performance expectations set forth in the charter contract.  
29 3       (3) Fails to meet generally accepted standards of fiscal  
29 4 management.  
29 5       (4) Substantially violates any material provision of law  
29 6 from which the public charter school was not exempted.  
29 7       h. An authorizer must develop revocation and nonrenewal  
29 8 processes that do the following:  
29 9       (1) Provide the charter holders with a timely notification  
29 10 of the prospect of revocation or nonrenewal and of the reasons  
29 11 for such possible closure.  
29 12       (2) Allow the charter holders a reasonable amount of time  
29 13 in which to prepare a response.  
29 14       (3) Provide the charter holders with an opportunity to  
29 15 submit documents and give testimony challenging the rationale  
29 16 for closure and in support of the continuation of the school at  
29 17 an orderly proceeding held for that purpose.  
29 18       (4) Allow the charter holders access to representation by  
29 19 counsel and to call witnesses on their behalf.  
29 20       (5) Permit the recording of such proceedings.  
29 21       (6) After a reasonable period for deliberation, require  
29 22 that a final determination be made and conveyed in writing to  
29 23 the charter holders.  
29 24       i. If an authorizer revokes or does not renew a charter,  
29 25 the authorizer shall clearly state, in a resolution of its  
29 26 governing board, the reasons for the revocation or nonrenewal.  
29 27       j. Within ten days of taking action to renew, not renew, or  
29 28 revoke a charter, the authorizer shall report to the commission  
29 29 the action taken, and shall provide a copy of the report to  
29 30 the public charter school at the same time that the report is  
29 31 submitted to the commission. The report shall include a copy  
29 32 of the authorizer governing board's resolution setting forth  
29 33 the action taken and reasons for the decision and assurances as  
29 34 to compliance with all of the requirements set forth in this  
29 35 chapter.



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30 1       4. School closure and dissolution.

30 2       a. Prior to any public charter school closure decision,  
30 3 an authorizer shall have developed a public charter school  
30 4 closure protocol to ensure timely notification to parents,  
30 5 orderly transition of students and student records to new  
30 6 schools, and proper disposition of school funds, property, and  
30 7 assets in accordance with the requirements of this chapter.  
30 8 The protocol shall specify tasks, timelines, and responsible  
30 9 parties, including delineating the respective duties of the  
30 10 school and the authorizer. In the event of a public charter  
30 11 school closure for any reason, the authorizer shall oversee and  
30 12 work with the closing school to ensure a smooth and orderly  
30 13 closure and transition for students and parents, as guided by  
30 14 the closure protocol.

30 15       b. In the event of a public charter school closure for any  
30 16 reason, the assets of the school shall be distributed first  
30 17 to satisfy outstanding payroll obligations for employees of  
30 18 the school, then to creditors of the school, and then to the  
30 19 commission for transfer to the treasurer of state for deposit  
30 20 in the general fund of the state. If the assets of the school  
30 21 are insufficient to pay all parties to whom the school owes  
30 22 compensation, the prioritization of the distribution of assets  
30 23 may be determined by decree of a court of law.

30 24       5. Charter transfers. Transfer of a charter contract, and  
30 25 of oversight of that public charter school, from one authorizer  
30 26 to another before the expiration of the charter term shall not  
30 27 be permitted except by special petition to the commission by a  
30 28 public charter school or its authorizer. The commission shall  
30 29 review such petitions on a case-by-case basis and may grant  
30 30 transfer requests in response to special circumstances and  
30 31 evidence that such a transfer would serve the best interests of  
30 32 the public charter school's students.

30 33       6. Annual report. On or before December 1 of each year  
30 34 beginning in the first year after any public charter school  
30 35 established pursuant to this chapter has been operating for a



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31 1 full school year, the commission shall issue to the governor,  
31 2 the general assembly, and the public at large, an annual report  
31 3 on the state's public charter schools established pursuant  
31 4 to this chapter, drawing from the annual reports submitted  
31 5 by every authorizer as well as any additional relevant data  
31 6 compiled by the commission, for the school year ending in the  
31 7 preceding calendar year. The annual report shall include  
31 8 a comparison of the performance of public charter school  
31 9 students with the performance of academically, ethnically,  
31 10 and economically comparable groups of students in noncharter  
31 11 public schools. In addition, the annual report shall include  
31 12 the commission's assessment of the successes, challenges, and  
31 13 areas for improvement in meeting the purposes of this chapter,  
31 14 including the commission's assessment of the sufficiency of  
31 15 funding for public charter schools, the efficacy of the state  
31 16 formula for authorizer funding, and any suggested changes in  
31 17 state law or policy necessary to strengthen the public charter  
31 18 schools established under this chapter.

31 19     Sec. 10. NEW SECTION. 257A.9 Operations and autonomy.

31 20     1. Legal status of public charter school.

31 21     a. Notwithstanding any provision of law to the contrary, to  
31 22 the extent that any provision of this chapter is inconsistent  
31 23 with any other state or local law, rule, or regulation, the  
31 24 provisions of this chapter shall govern and be controlling.

31 25     b. A public charter school shall be a nonprofit education  
31 26 organization.

31 27     c. A public charter school shall be subject to all federal  
31 28 laws and authorities enumerated herein or arranged by charter  
31 29 contract with the school's authorizer, where such contracting  
31 30 is consistent with applicable laws, rules, and regulations.

31 31     d. Except as provided in this chapter, a public charter  
31 32 school shall not be subject to the state's education statutes  
31 33 or any state or local rule, regulation, policy, or procedure  
31 34 relating to noncharter public schools within an applicable  
31 35 local school district regardless of whether such rule,



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32 1 regulation, policy, or procedure is established by the local  
32 2 school board, the state board of education, or the state  
32 3 department of education.

32 4 e. A charter contract may include one or more schools,  
32 5 to the extent approved by the authorizer and consistent with  
32 6 applicable law. Each public charter school that is part of  
32 7 a charter contract shall be separate and distinct from any  
32 8 others.

32 9 f. A single governing board may hold one or more charter  
32 10 contracts. Each public charter school that is part of a  
32 11 charter contract shall be separate and distinct from any  
32 12 others.

32 13 2. Local educational agency status.

32 14 a. A public charter school shall function as a local  
32 15 educational agency. A public charter school shall be  
32 16 responsible for meeting the requirements of a local educational  
32 17 agency under applicable federal, state, and local laws,  
32 18 including those relating to special education. Local  
32 19 educational agency status shall not preclude a public charter  
32 20 school from developing partnerships with districts for  
32 21 services, resources, and programs by mutual agreement or formal  
32 22 contract.

32 23 b. A public charter school shall have primary responsibility  
32 24 for special education at the school, including identification  
32 25 and service provision. It shall be responsible for meeting the  
32 26 needs of enrolled students with disabilities. In instances  
32 27 where a student's individualized education program team  
32 28 determines that a student's needs are so profound that they  
32 29 cannot be met in the public charter school and that the public  
32 30 charter school cannot provide a free, appropriate public  
32 31 education to that student, the student's district of residence  
32 32 shall place the student in a more appropriate setting.

32 33 Sec. 11. NEW SECTION. 257A.10 Funding.

32 34 1. Enrollment. The enrollment of students attending  
32 35 public charter schools shall be included in the enrollment,



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33 1 attendance, and, if applicable, count of children requiring  
33 2 special education of the school district in which the student  
33 3 resides. The public charter school shall report all such data  
33 4 to the school districts of residence in a timely manner. Each  
33 5 school district shall report such enrollment, attendance, and  
33 6 count of students with disabilities to the state department of  
33 7 education.

33 8 2. Operational funding. The local school district of  
33 9 residence shall pay directly to the public charter school  
33 10 for each student enrolled in the public charter school who  
33 11 resides in the school district an amount for that student  
33 12 equal to one hundred percent of the amount calculated pursuant  
33 13 to the state's funding formula for local school districts,  
33 14 notwithstanding the oversight fee decreases pursuant to section  
33 15 257A.5, subsection 6.

33 16 3. Payment schedule. Payments made pursuant to this section  
33 17 shall be made by local school districts in twelve substantially  
33 18 equal installments each year beginning on the first business  
33 19 day of July and every month thereafter. Amounts payable  
33 20 under this section shall be determined by the department of  
33 21 education. Amounts payable to a public charter school in its  
33 22 first year of operation shall be based on the projections of  
33 23 initial=year enrollment set forth in the charter contract.  
33 24 Such projections shall be reconciled with the actual enrollment  
33 25 at the end of the public charter school's first year of  
33 26 operation, and any necessary adjustments shall be made to  
33 27 payments during the school's second year of operation.

33 28 4. Sanctions for failure to make payments. In the event  
33 29 of the failure of a local school district to make payments  
33 30 required by this section, the department of management shall  
33 31 deduct from the state foundation aid paid under section  
33 32 257.16 to the school district an amount equal to the unpaid  
33 33 obligation. The department of management shall pay over such  
33 34 sum to the public charter school upon certification of the  
33 35 department of education. The department of management shall



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34 1 adopt rules to implement the provisions of this subsection.  
34 2 5. Categorical funding. A local school district shall  
34 3 direct the proportionate share of moneys generated under  
34 4 federal and state categorical aid programs pursuant to section  
34 5 257.10 to public charter schools serving students eligible for  
34 6 such aid. A local school district shall ensure that public  
34 7 charter schools with rapidly expanding enrollments are treated  
34 8 equitably in the calculation and disbursement of all federal  
34 9 and state categorical aid program dollars. Each public charter  
34 10 school that serves students who may be eligible to receive  
34 11 services provided through such programs shall comply with all  
34 12 reporting requirements to receive the aid.  
34 13 6. Special education funding.  
34 14 a. A local school district shall pay directly to a public  
34 15 charter school any federal or state aid attributable to a  
34 16 student with a disability attending the school.  
34 17 b. At either party's request, a public charter school  
34 18 and its authorizer may negotiate and include in the charter  
34 19 contract alternate arrangements for the provision of and  
34 20 payment for special education services.  
34 21 7. Generally accepted accounting principles ==== independent  
34 22 audit.  
34 23 a. A public charter school shall adhere to generally  
34 24 accepted accounting principles.  
34 25 b. A public charter school shall annually engage an external  
34 26 auditor to do an independent audit of the school's finances. A  
34 27 public charter school shall file a copy of each audit report  
34 28 and accompanying management letter to its authorizer by October  
34 29 1.  
34 30 8. Transportation funding.  
34 31 a. The department of education shall disburse state  
34 32 transportation funding pursuant to chapter 285 to a local  
34 33 school district for each of the public charter school students  
34 34 residing in the local school district on the same basis and  
34 35 in the same manner as it is paid to local school districts.



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35 1 A local school district shall disburse state transportation  
35 2 funding to a public charter school in proportion to the amount  
35 3 generated by the school's students who reside in the local  
35 4 school district.

35 5     b. A public charter school may enter into a contract  
35 6 with a local school district or private provider to provide  
35 7 transportation to the school's students.

35 8     9. Budget reserves. Any moneys received by a public charter  
35 9 school from any source and remaining in the public charter  
35 10 school's accounts at the end of any budget year shall remain  
35 11 in the public charter school's accounts for use by the public  
35 12 charter school during subsequent budget years.

35 13     10. Ability to accept gifts, donations, and grants. This  
35 14 chapter shall not be construed to prohibit any person or  
35 15 organization from providing funding or other assistance to the  
35 16 establishment or operation of a public charter school. The  
35 17 governing board of a public charter school may accept gifts,  
35 18 donations, and grants of any kind made to the public charter  
35 19 school and to expend or use such gifts, donations, and grants  
35 20 in accordance with the conditions prescribed by the donor;  
35 21 provided, however, that a gift, donation, or grant shall not  
35 22 be accepted if subject to a condition that is contrary to any  
35 23 provision of law or term of the charter contract.

35 24     Sec. 12. NEW SECTION. 257A.11 Facilities.

35 25     1. Per=student facility allowance.

35 26     a. The per=student facility allowance for public charter  
35 27 schools shall be determined as follows: the total capital  
35 28 costs for public schools in the state over the past five years  
35 29 shall be divided by the total student count in the state over  
35 30 the past five years.

35 31     b. The actual facility allowance payments to be received  
35 32 by each public charter school shall be determined as follows:  
35 33 the per=student facility allowance shall be multiplied by  
35 34 the number of students estimated to be attending each public  
35 35 charter school.



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36 1       2. Public charter school facility grant program.  
36 2       a. The state board of education shall establish, within  
36 3 available bond authorizations, a grant program to assist public  
36 4 charter schools in financing school building projects, general  
36 5 improvements to school buildings, and repayment of debt for  
36 6 school building projects. Public charter schools may apply for  
36 7 such grants to the state board of education at such time and in  
36 8 such manner as the state board of education prescribes. The  
36 9 state board of education shall give preference to applications  
36 10 that provide for matching funds from nonstate sources.  
36 11       b. For the purposes described in paragraph "a", the Iowa  
36 12 finance authority shall have the power, from time to time, to  
36 13 authorize the issuance of bonds of the state in one or more  
36 14 series and in principal amounts not exceeding in the aggregate  
36 15 amounts to be determined by the school budget review committee.  
36 16       c. The proceeds of the sale of bonds under paragraph "b",  
36 17 to the extent of the amount specified by the Iowa finance  
36 18 authority pursuant to paragraph "b" shall be used by the state  
36 19 board of education for the purpose of grants pursuant to  
36 20 paragraph "a".  
36 21       d. Bonds issued pursuant to this section shall be general  
36 22 obligations of the state and the full faith and credit of the  
36 23 state are pledged for the payment of the principal of and  
36 24 interest on said bonds as the same become due, and accordingly  
36 25 and as part of the contract of the state with the holders of  
36 26 said bonds, appropriation of all amounts necessary for punctual  
36 27 payment of such principal and interest is hereby made, and the  
36 28 treasurer of state shall pay such principal and interest as the  
36 29 same become due.  
36 30       3. Public charter school facility revolving loan program.  
36 31       a. A public charter school facility revolving loan program  
36 32 is created in the state treasury under the control of the  
36 33 state board of education. The public charter school facility  
36 34 revolving loan program shall be comprised of federal funds  
36 35 obtained by the state for public charter schools and any other





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37 1 funds appropriated or transferred to the fund by the state.  
37 2 Funds appropriated to the public charter school facility  
37 3 revolving loan program shall remain available for the purposes  
37 4 of the program until reappropriated or reverted by the general  
37 5 assembly.  
37 6     b. Loans may be made from moneys in the public charter  
37 7 school facility revolving loan program to a public charter  
37 8 school, upon application by a public charter school and  
37 9 approval by the state board of education or its designee.  
37 10 Money loaned to a public charter school pursuant to this  
37 11 subsection shall be for construction, purchase, renovation,  
37 12 and maintenance of public charter school facilities. A loan  
37 13 to a public charter school shall not exceed the number of  
37 14 years allowed for loan payment or the loan amount specified  
37 15 by the Iowa finance authority. A public charter school may  
37 16 receive multiple loans from the public charter school facility  
37 17 revolving loan program, as long as the total number of years  
37 18 allowed for loan payment or the loan amount is not greater than  
37 19 specified by the Iowa finance authority.  
37 20     c. The Iowa finance authority or its designee may consider  
37 21 all of the following when making a determination as to the  
37 22 approval of a public charter school's loan application:  
37 23       (1) Soundness of the financial business plans of the  
37 24 applicant public charter school.  
37 25       (2) Availability to the public charter school of other  
37 26 sources of funding.  
37 27       (3) Geographic distribution of loans made from the public  
37 28 charter school facility revolving loan program.  
37 29       (4) The impact that loans received pursuant to this  
37 30 subsection will have on the public charter school's receipt of  
37 31 other private and public financing.  
37 32       (5) Plans for innovatively enhancing or leveraging funds  
37 33 received pursuant to this subsection, such as loan guarantees  
37 34 or other types of credit enhancements.  
37 35       (6) The financial needs of the public charter school.



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38 1 d. Commencing with the first fiscal year following the  
38 2 fiscal year the public charter school receives the loan, the  
38 3 department of management shall deduct from apportionments made  
38 4 to the public charter school, as appropriate, an amount equal  
38 5 to the annual repayment of the amount loaned to the public  
38 6 charter school under this subsection and pay the same amount  
38 7 into the public charter school facility revolving loan account  
38 8 in the state treasury. Repayment of the full amount loaned to  
38 9 the public charter school shall be deducted by the department  
38 10 of management in equal annual amounts over a number of years  
38 11 agreed upon between the public charter school and the state  
38 12 board of education or its designee, not to exceed the number of  
38 13 years allowed for loan payment specified by the Iowa finance  
38 14 authority for any loan.

38 15 e. Notwithstanding other provisions of law, a loan  
38 16 may be made to a public charter school pursuant to this  
38 17 subsection only in the case of a public charter school that is  
38 18 incorporated.

38 19 f. Notwithstanding other provisions of law, in the case  
38 20 of default of a loan made directly to a public charter school  
38 21 pursuant to this subsection, the public charter school shall be  
38 22 solely liable for repayment of the loan.

38 23 4. Bonding authority.

38 24 a. As used in this subsection and subsection 5, unless the  
38 25 context otherwise requires:

38 26 (1) "Authority" means the Iowa finance authority.

38 27 (2) "Bonds" means revenue bonds which are payable solely as  
38 28 provided in this subsection.

38 29 b. The authority shall cooperate with the governing board  
38 30 of public charter schools established pursuant to this chapter  
38 31 and private developers, acting in conjunction with a governing  
38 32 body to build school facilities in connection with the public  
38 33 charter school, in the creation, administration, and funding  
38 34 of a public charter school bond program to finance school  
38 35 facilities in connection with the public charter school.



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39 1 c. The authority may issue its bonds and notes for the  
39 2 purpose of funding the nonrecurring cost of acquiring,  
39 3 constructing, and equipping a public charter school-related  
39 4 facility.

39 5 d. The authority may issue its bonds and notes for the  
39 6 purposes of this subsection and may enter into one or more  
39 7 lending agreements or purchase agreements with one or more  
39 8 bondholders or noteholders containing the terms and conditions  
39 9 of the repayment of and the security for the bonds or notes.  
39 10 The authority and the bondholders or noteholders or a trustee  
39 11 agent designated by the authority may enter into agreements to  
39 12 provide for any of the following:

39 13 (1) That the proceeds of the bonds and notes and the  
39 14 investments of the proceeds may be received, held, and  
39 15 disbursed by the authority or by a trustee or agent designated  
39 16 by the authority.

39 17 (2) That the bondholders or noteholders or a trustee or  
39 18 agent designated by the authority may collect, invest, and  
39 19 apply the amount payable under the loan agreements or any  
39 20 other instruments securing the debt obligations under the loan  
39 21 agreements.

39 22 (3) That the bondholders or noteholders may enforce the  
39 23 remedies provided in the loan agreements or other instruments  
39 24 on their own behalf without the appointment or designation of a  
39 25 trustee. If there is a default in the principal of or interest  
39 26 on the bonds or notes or in the performance of any agreement  
39 27 contained in the loan agreements or other instruments, the  
39 28 payment or performance may be enforced in accordance with the  
39 29 loan agreement or other instrument.

39 30 (4) Other terms and conditions as deemed necessary or  
39 31 appropriate by the authority.

39 32 e. The powers granted the authority under this subsection  
39 33 are in addition to other powers contained in chapter 16.  
39 34 The authority shall adopt rules pursuant to chapter 17A to  
39 35 implement this subsection. All other provisions of chapter



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40 1 16, except section 16.28, subsection 4, apply to bonds or  
40 2 notes issued and powers granted to the authority under this  
40 3 subsection, except to the extent they are inconsistent with  
40 4 this subsection.  
40 5 f. All bonds or notes issued by the authority in connection  
40 6 with the program are exempt from taxation by this state and the  
40 7 interest on the bonds or notes is exempt from state income tax,  
40 8 both personal and corporate.  
40 9 g. The authority may provide in the resolution, trust  
40 10 agreement, or other instrument authorizing the issuance of its  
40 11 bonds or notes pursuant to this subsection that the principal  
40 12 of, premium, and interest on the bonds or notes are payable  
40 13 from any of the following and may pledge the same to its bonds  
40 14 and notes:  
40 15 (1) From the net rents, profits, and income arising from the  
40 16 project or property pledged or mortgaged.  
40 17 (2) From the net rents, profits, and income which has  
40 18 not been pledged for other purposes arising from any similar  
40 19 facility under the control and management of the public charter  
40 20 school or the public charter school's governing body.  
40 21 (3) From the funding received by the public charter school  
40 22 governing board pursuant to section 257A.10.  
40 23 (4) From the amounts on deposit in the name of a public  
40 24 charter school or a private developer or operator of a public  
40 25 charter school facility, including but not limited to revenues  
40 26 from a purchase, rental, or lease agreement, loan agreement, or  
40 27 other facility charges.  
40 28 (5) From the amounts payable to the authority, the public  
40 29 charter school or the governing board, or a private developer  
40 30 or operator, pursuant to a loan agreement, lease agreement, or  
40 31 sale agreement.  
40 32 (6) From funds received pursuant to subsection 6.  
40 33 (7) From the other funds or accounts established by the  
40 34 authority in connection with the program or the sale and  
40 35 issuance of its bonds or notes.



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41 1       h. No obligation created under this subsection shall ever  
41 2 be or become a charge against the state of Iowa but all such  
41 3 obligations, including principal and interest, shall be payable  
41 4 solely as provided in this subsection.

41 5       i. The authority may establish reserve funds to secure  
41 6 one or more issues of its bonds or notes. The authority may  
41 7 deposit in a reserve fund established under this subsection,  
41 8 the proceeds of the sale of its bonds or notes and other money  
41 9 which is made available from any other source.

41 10      j. A pledge made in respect of bonds or notes is valid  
41 11 and binding from the time the pledge is made. The money or  
41 12 property so pledged and received after the pledge by the  
41 13 authority is immediately subject to the lien of the pledge  
41 14 without physical delivery or further act. The lien of the  
41 15 pledge is valid and binding as against all persons having  
41 16 claims of any kind in tort, contract, or otherwise against  
41 17 the authority whether or not the parties have notice of the  
41 18 lien. Neither the resolution, trust agreement, nor any other  
41 19 instrument by which a pledge is created needs to be recorded,  
41 20 filed, or perfected under chapter 554, to be valid, binding, or  
41 21 effective against all persons.

41 22      k. The members of the authority or persons executing the  
41 23 bonds or notes are not personally liable on the bonds or notes  
41 24 and are not subject to personal liability or accountability by  
41 25 reason of the issuance of the bonds or notes.

41 26      l. The bonds or notes issued by the authority are not  
41 27 an indebtedness or other liability of the state or of a  
41 28 political subdivision of the state within the meaning of any  
41 29 constitutional or statutory debt limitations, but are special  
41 30 obligations of the authority and are payable solely from  
41 31 the income and receipts or other funds or property of the  
41 32 public charter school, governing body, or private developer,  
41 33 and the amounts on deposit in a public charter school bond  
41 34 fund, and the amounts payable to the authority under its loan  
41 35 agreements with a public charter school, governing body, or



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42 1 private developer to the extent that the amounts are designated  
42 2 in the resolution, trust agreement, or other instrument of  
42 3 the authority authorizing the issuance of the bonds or notes  
42 4 as being available as security for the bonds or notes. The  
42 5 authority shall not pledge the faith or credit of the state  
42 6 or of a political subdivision of the state to the payment of  
42 7 any bonds or notes. The issuance of any bonds or notes by  
42 8 the authority does not directly, indirectly, or contingently  
42 9 obligate the state or a political subdivision of the state  
42 10 to apply money from, or levy, or pledge any form of taxation  
42 11 whatever to the payment of the bonds or notes.

42 12 5. Moral obligation of the state.

42 13 a. The general assembly hereby finds and declares that its  
42 14 intent in enacting subsection 4 is to support public charter  
42 15 schools and public charter school capital construction by  
42 16 helping qualified public charter schools that choose to have  
42 17 the authority issue bonds on their behalf obtain more favorable  
42 18 financing terms for the bonds.

42 19 b. If the authority has issued bonds on behalf of a public  
42 20 charter school that defaults on its debt service payment  
42 21 obligations, the board of directors of the authority shall  
42 22 submit to the governor a certificate certifying any amount  
42 23 of moneys required to fulfill the school's debt service  
42 24 payment obligations. The governor shall submit a request for  
42 25 appropriations in an amount sufficient to fulfill the school's  
42 26 debt service payment obligations and the general assembly may,  
42 27 but shall not be required to, appropriate moneys for that  
42 28 purpose. If, in its sole discretion, the general assembly  
42 29 appropriates any moneys for that purpose, the aggregate  
42 30 outstanding principal amount of bonds for which moneys may  
42 31 be appropriated for said purpose shall not exceed an amount  
42 32 specified by the authority.

42 33 6. Access to state facilities programs for noncharter public  
42 34 schools.

42 35 a. A public charter school shall have access to any school



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43 1 infrastructure funds available under chapter 292 and any school  
43 2 infrastructure safety funds available under section 423E.6.  
43 3     b. The school district of residence shall pay directly to  
43 4 the public charter school for each student enrolled in the  
43 5 public charter school who resides in the school district an  
43 6 amount for that student equal to one hundred percent of the  
43 7 amount calculated pursuant to the secure an advanced vision for  
43 8 education fund distribution formula pursuant to section 423E.4.  
43 9     7. Credit enhancement fund.  
43 10     a. A credit enhancement fund under the control of the  
43 11 state board of education is created in the state treasury if  
43 12 the general assembly appropriates funds to the department of  
43 13 education for purposes of this subsection.  
43 14     b. Using the moneys deposited in the fund, the state  
43 15 board of education shall make and disburse grants to eligible  
43 16 nonprofit corporations to carry out the purposes described in  
43 17 paragraph "c".  
43 18     c. The recipient of a grant under this fund shall use the  
43 19 moneys provided under the grant to carry out activities to  
43 20 assist public charter schools in doing the following:  
43 21         (1) Obtaining financing to acquire interests in real  
43 22 property, including but not limited to purchase, lease,  
43 23 or donation, and including financing to cover planning,  
43 24 development, and other incidental costs.  
43 25         (2) Obtaining financing for construction of facilities or  
43 26 the renovation, repair, or alteration of existing property  
43 27 or facilities, including but not limited to the purchase or  
43 28 replacement of fixtures and equipment; including financing to  
43 29 cover planning, development, and other incidental costs.  
43 30         (3) Enhancing the availability of loans, including but not  
43 31 limited to mortgages and bonds.  
43 32         (4) Obtaining lease guarantees.  
43 33     d. Funds provided under a grant under this subsection shall  
43 34 not be used by a recipient to make direct loans or grants to  
43 35 public charter schools.



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44 1       8. Access to district facilities and land. A public charter  
44 2 school shall have a right of first refusal to purchase or lease  
44 3 at or below fair market value a closed public school facility  
44 4 or property or unused portions of a public school facility or  
44 5 property located in a local school district from which it draws  
44 6 its students if the local school district decides to sell or  
44 7 lease the public school facility or property.

44 8       9. Contracting for use of facilities. A public charter  
44 9 school may negotiate and contract at or below fair market value  
44 10 with a local school district, the governing body of a state  
44 11 college or university or public community college, or any other  
44 12 public or for-profit or nonprofit private entity for the use of  
44 13 a facility for a school building.

44 14      10. Use of other facilities under preexisting zoning and  
44 15 land use designations. Library, community service, museum,  
44 16 performing arts, theatre, cinema, church, community college,  
44 17 college, and university facilities may provide space to public  
44 18 charter schools within their facilities under their preexisting  
44 19 zoning and land use designations.

44 20      11. Exemptions from property taxes and certain fees.

44 21      a. Any facility, or portion thereof, used to house a public  
44 22 charter school shall be exempt from property taxes.

44 23      b. Public charter school facilities are exempt from  
44 24 assessments of fees for building permits, fees for building and  
44 25 occupational licenses, impact fees, service availability fees,  
44 26 and assessments for special benefits.

44 27      Sec. 13. IOWA PUBLIC CHARTER SCHOOL COMMISSION. There is  
44 28 appropriated from the general fund of the state to the Iowa  
44 29 public charter school commission for the fiscal year beginning  
44 30 July 1, 2011, and ending June 30, 2012, the following amount,  
44 31 or so much thereof as is necessary, to be used for the purposes  
44 32 designated:

44 33      For purposes of administering chapter 257A, if enacted  
44 34 by this Act, including salaries, support, maintenance, and  
44 35 miscellaneous purposes:





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45 1 ..... \$ 250,000

45 2 EXPLANATION

45 3 This bill establishes the "Public Charter Schools Act", and  
45 4 creates the Iowa public charter school commission as a public  
45 5 charter school authorizer oversight body. Local school boards,  
45 6 accredited public and private postsecondary institutions,  
45 7 cities, and governing boards of nonprofit or charitable  
45 8 organizations may apply to the commission for authorizing  
45 9 ability. The bill appropriates \$250,000 from the general fund  
45 10 of the state to the commission for fiscal year 2011=2012 for  
45 11 purposes of administering the Code chapter.

45 12 The bill includes legislative findings and declarations,  
45 13 and provides for the establishment of virtual public charter  
45 14 schools that will offer educational services predominantly  
45 15 through the internet.

45 16 A public charter school shall be open to any student  
45 17 residing in the state and may limit admission to students  
45 18 within a given age group or grade level and may be organized  
45 19 around a special emphasis, theme, or concept as stated in the  
45 20 school's application. A public charter school must enroll all  
45 21 students who wish to attend the school, unless the number of  
45 22 students exceeds the capacity of a program, class, grade level,  
45 23 or building. The bill includes provisions for enrollment  
45 24 preferences and credit transferability.

45 25 Eligible public charter school authorizers are responsible  
45 26 for soliciting and evaluating charter applications, approving  
45 27 quality charter applications, declining to approve weak or  
45 28 inadequate charter applications, negotiating and executing  
45 29 sound charter contracts with each approved public charter  
45 30 school, monitoring the performance and legal compliance  
45 31 of public charter schools, and determining whether each  
45 32 charter contract merits renewal, nonrenewal, or revocation.  
45 33 An authorizing entity may delegate its duties to offices,  
45 34 employees, and contractors.

45 35 To cover authorizer costs for overseeing public charter



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46 1 schools, the commission shall remit to each authorizer an  
46 2 oversight fee for each public charter school it authorizes.  
46 3 The oversight fee shall be drawn from and calculated as a  
46 4 uniform percentage of the per=student operational funding  
46 5 allocated to each public charter school, not to exceed 3  
46 6 percent of each public charter school's per=student funding in  
46 7 a single school year.

46 8 The commission consists of nine members serving three=year  
46 9 terms. Five members shall be appointed by the governor; two  
46 10 members collectively shall be appointed by the president and  
46 11 minority leader of the senate; and two members collectively  
46 12 shall be appointed by the speaker and minority leader of the  
46 13 house of representatives. The commission must establish the  
46 14 annual application and approval process, including cycles and  
46 15 deadlines during the fiscal year, for all entities eligible to  
46 16 apply for chartering authority. The commission is responsible  
46 17 for overseeing the performance and effectiveness of all  
46 18 authorizers.

46 19 The commission shall establish a statewide formula for  
46 20 authorizer funding, which shall apply uniformly to every  
46 21 authorizer in the state. The commission shall submit the  
46 22 formula, and any succeeding amendments to the formula, to  
46 23 the department of management, the general assembly, and the  
46 24 governor, and shall provide any additional information required  
46 25 by the department. The formula shall be established by  
46 26 statute prior to the appropriation or distribution of state  
46 27 funds for purposes of establishing a public charter school.  
46 28 The commission may establish a sliding scale for authorizer  
46 29 funding, with the funding percentage decreasing after the  
46 30 authorizer has achieved a certain threshold, such as after  
46 31 a certain number of years of authorizing or after a certain  
46 32 number of schools has been authorized.

46 33 Funding is provided through the school district of  
46 34 residence, as the enrollment of students attending public  
46 35 charter schools must be included in the enrollment, attendance,



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47 1 and, if applicable, count of children requiring special  
47 2 education of the school district in which the student resides.  
47 3 The public charter school shall report all such data to the  
47 4 school districts of residence in a timely manner. Each school  
47 5 district shall report such enrollment, attendance, and count  
47 6 of students with disabilities to the state department of  
47 7 education. The school district must pay directly to the public  
47 8 charter school for each student enrolled in the public charter  
47 9 school who resides in the school district 100 percent of the  
47 10 amount calculated under the state's funding formula, and any  
47 11 categorical funds, for that student. A school district shall  
47 12 pay directly to a public charter school any federal or state  
47 13 aid attributable to a student with a disability attending the  
47 14 school.

47 15 Every authorizer is required to submit to the commission  
47 16 and the general assembly an annual report. Persistently  
47 17 unsatisfactory performance of an authorizer's portfolio of  
47 18 public charter schools, a pattern of well-founded complaints  
47 19 about the authorizer or its public charter schools, or other  
47 20 objective circumstances may trigger a special review by the  
47 21 commission.

47 22 If an authorizer granted chartering authority persists,  
47 23 after due notice from the commission, in violating a  
47 24 material provision of a charter contract or its authorizing  
47 25 contract with the commission, or fails to remedy other  
47 26 identified authorizing problems, the commission shall notify  
47 27 the authorizer that it intends to revoke the authorizer's  
47 28 chartering authority unless the authorizer demonstrates  
47 29 a timely and satisfactory remedy for the violation or  
47 30 deficiencies.

47 31 To solicit, encourage, and guide the development of quality  
47 32 public charter school applications, every authorizer must  
47 33 issue and broadly publicize a request for proposals. Charter  
47 34 applicants may submit a proposal for a particular public  
47 35 charter school to no more than one authorizer at a time. The



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48 1 bill includes a list of what each charter application must  
48 2 include.

48 3       In the case of a proposal to establish a virtual public  
48 4 charter school, the request for proposals for applications  
48 5 shall additionally require the applicants to describe the  
48 6 proposed school's system of course credits and how the school  
48 7 will monitor and verify full-time student enrollment, student  
48 8 participation in a full course load, credit accrual, and course  
48 9 completion; monitor and verify student progress and performance  
48 10 in each course through regular, proctored assessments and  
48 11 submissions of coursework; conduct parent-teacher conferences;  
48 12 and administer state-required assessments to all students in a  
48 13 proctored setting.

48 14       A proposed public charter school may contract with an  
48 15 education service provider for substantial educational  
48 16 services, management services, or both types of services.

48 17       In reviewing and evaluating charter applications,  
48 18 authorizers must employ procedures, practices, and criteria  
48 19 consistent with nationally recognized principles and standards  
48 20 for quality charter authorizing. The application review  
48 21 process shall include thorough evaluation of each written  
48 22 charter application, an in-person interview with the applicant  
48 23 group, and an opportunity in a public forum for local residents  
48 24 to learn about and provide input on each application.

48 25       In deciding whether to approve charter applications,  
48 26 authorizers must grant charters only to applicants that have  
48 27 demonstrated competence in each element of the authorizer's  
48 28 published approval criteria and are likely to open and  
48 29 operate a successful public charter school; base decisions on  
48 30 documented evidence collected through the application review  
48 31 process; and follow charter-granting policies and practices  
48 32 that are transparent, based on merit, and avoid conflicts of  
48 33 interest or any appearance of conflicts of interests.

48 34       For any charter denial, the authorizer shall clearly state,  
48 35 for public record, its reasons for denial. A denied applicant



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49 1 may subsequently reapply to that authorizer or apply to any  
49 2 other authorizer in the state.

49 3 An initial charter shall be granted for a term of five  
49 4 operating years.

49 5 The performance provisions within the charter contract shall  
49 6 be based on a performance framework that clearly sets forth  
49 7 the academic and operational performance indicators, measures,  
49 8 and metrics that will guide the authorizer's evaluations of  
49 9 each public charter school. The performance framework includes  
49 10 indicators and measures for student academic proficiency,  
49 11 student academic growth, achievement gaps in both proficiency  
49 12 and growth between major student subgroups, attendance,  
49 13 recurrent enrollment from year to year, postsecondary  
49 14 readiness, financial performance and sustainability, and board  
49 15 performance and stewardship.

49 16 The bill provides for ongoing oversight and corrective  
49 17 actions. Every authorizer is authorized to take appropriate  
49 18 corrective actions or exercise sanctions short of revocation  
49 19 in response to apparent deficiencies in public charter school  
49 20 performance or legal compliance. Such actions or sanctions  
49 21 may include, if warranted, requiring a school to develop and  
49 22 execute a corrective action plan within a specified time frame.

49 23 A charter may be renewed for successive five-year terms of  
49 24 duration. A charter contract may be revoked at any time or not  
49 25 renewed if the authorizer determines that the public charter  
49 26 school commits a material and substantial violation of any of  
49 27 the terms, conditions, standards, or procedures required under  
49 28 the new Code chapter or the charter contract; fails to meet or  
49 29 make sufficient progress toward the performance expectations  
49 30 set forth in the charter contract; fails to meet generally  
49 31 accepted standards of fiscal management; or substantially  
49 32 violates any material provision of law from which the public  
49 33 charter school was not exempted.

49 34 Prior to any public charter school closure decision, an  
49 35 authorizer must have developed a public charter school closure



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50 1 protocol to ensure timely notification to parents, orderly  
50 2 transition of students and student records to new schools, and  
50 3 proper disposition of school funds, property, and assets. In  
50 4 the event of a public charter school closure, the assets of  
50 5 the school shall be distributed first to satisfy outstanding  
50 6 payroll obligations for employees of the school, then to  
50 7 creditors of the school, and then to the commission for  
50 8 transfer to the treasurer of state for deposit in the state  
50 9 general fund.

50 10 On or before December 1, the commission must issue to the  
50 11 governor, the general assembly, and the public at large, an  
50 12 annual report on the state's public charter schools, drawing  
50 13 from the annual reports submitted by every authorizer as well  
50 14 as any additional relevant data compiled by the commission, for  
50 15 the school year ending in the preceding calendar year.

50 16 A public charter school shall be a nonprofit education  
50 17 organization subject to all federal laws. For purposes of  
50 18 federal programs and funding, a public charter school shall  
50 19 function as a local educational agency.

50 20 The per=student facility allowance for public charter  
50 21 schools shall be the total capital costs for public schools in  
50 22 the state over the past five years divided by the total student  
50 23 count in the state over the past five years. The actual  
50 24 facility allowance payments to be received by each public  
50 25 charter school shall be determined as follows: the per=student  
50 26 facility allowance shall be multiplied by the number of  
50 27 students estimated to be attending each public charter school.

50 28 The bill directs the state board of education to establish,  
50 29 within available bond authorizations, a grant program to assist  
50 30 public charter schools in financing school building projects,  
50 31 general improvements to school buildings, and repayment of  
50 32 debt for school building projects. Public charter schools  
50 33 may apply for such grants to the state board of education at  
50 34 such time and in such manner as the state board of education  
50 35 prescribes. The state board of education shall give preference



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51 1 to applications that provide for matching funds from nonstate  
51 2 sources.

51 3 The bill authorizes the Iowa finance authority to issue  
51 4 bonds in aggregate amounts to be determined by the school  
51 5 budget review committee. The proceeds of the sale of bonds  
51 6 shall be used by the authority for public charter school  
51 7 facilities.

51 8 The bill establishes a public charter school facility  
51 9 revolving loan program in the state treasury under the control  
51 10 of the state board of education comprised of federal funds  
51 11 obtained by the state for public charter schools and any other  
51 12 funds appropriated or transferred to the fund by the state.

51 13 Loans may be made from moneys in the revolving loan program  
51 14 to a public charter school. Money loaned to a public charter  
51 15 school shall be for construction, purchase, renovation, and  
51 16 maintenance of public charter school facilities.

51 17 A public charter school shall have access to any school  
51 18 infrastructure funds available under Code chapter 292, any  
51 19 school infrastructure safety funds available under Code section  
51 20 423E.6, and the school district of residence shall pay directly  
51 21 to the public charter school for each student enrolled in the  
51 22 public charter school who resides in the school district an  
51 23 amount for that student equal to 100 percent of the amount  
51 24 calculated pursuant to the secure an advanced vision for  
51 25 education fund distribution formula pursuant to Code section  
51 26 423E.4.

51 27 The bill creates in the state treasury, if the general  
51 28 assembly appropriates funds to the department of education  
51 29 for purposes of the fund, a credit enhancement fund under the  
51 30 control of the state board of education. Fund moneys can be  
51 31 used by the state board to make and disburse grants to eligible  
51 32 nonprofit corporations to carry out activities to assist public  
51 33 charter schools in obtaining financing to acquire interests  
51 34 in real property and for construction of facilities or the  
51 35 renovation, repair, or alteration of existing property or



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52 1 facilities; for enhancing the availability of loans; and for  
52 2 obtaining lease guarantees.  
52 3 A public charter school is given first refusal rights to  
52 4 purchase or lease at or below fair market value a closed public  
52 5 school facility or property or unused portions of a public  
52 6 school facility or property located in a school district from  
52 7 which it draws its students if the school district decides to  
52 8 sell or lease the public school facility or property.  
52 9 A public charter school may negotiate and contract at or  
52 10 below fair market value with a school district, the governing  
52 11 body of a state college or university or public community  
52 12 college, or any other public or for-profit or nonprofit private  
52 13 entity for the use of facility for a school building.  
52 14 Any facility used to house a public charter school is exempt  
52 15 from property taxes and from assessments of fees for building  
52 16 permits, fees for building and occupational licenses, impact  
52 17 fees, service availability fees, and assessments for special  
52 18 benefits.

LSB 1056XS (3) 84

kh/rj





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SENATE FILE

BY DIX, SORENSON,  
FEENSTRA, HAHN,  
HAMERLINCK, ERNST,  
BERTRAND, ANDERSON,  
BOETTGER, SMITH,  
GREINER, KAPUCIAN,  
CHELGREN, JOHNSON,  
BARTZ, WARD, SEYMOUR,  
HOUSER, BEHN,  
MCKINLEY, KETTERING,  
ZAUN, and BACON

**A BILL FOR**

1 An Act relating to the imposition of a hiring freeze for state  
2 departments and establishments and including effective date  
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1162XS (8) 84

aw/rj



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Senate File 223 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 2.11A Officers and employees ====  
1 2 hiring.  
1 3 Notwithstanding the provisions in section 2.11, each house  
1 4 of the general assembly shall establish a policy restricting  
1 5 the creation and filling of full-time equivalent positions  
1 6 comparable to the restrictions imposed in section 8.36A,  
1 7 subsection 2, paragraph "c".  
1 8 Sec. 2. Section 2.42, Code 2011, is amended by adding the  
1 9 following new subsection:  
1 10 NEW SUBSECTION. 17. To implement a policy restricting  
1 11 the creation and filling of full-time equivalent positions  
1 12 comparable to the restrictions imposed in section 8.36A,  
1 13 subsection 2, paragraph "c".  
1 14 Sec. 3. Section 8.36A, subsection 2, Code 2011, is amended  
1 15 by adding the following new paragraph:  
1 16 NEW PARAGRAPH. c. (1) A department or establishment shall  
1 17 not create new or fill vacant existing full-time equivalent  
1 18 positions except as specifically authorized by this section.  
1 19 (2) A department or establishment, including the regents  
1 20 universities, may establish new or fill vacant existing  
1 21 full-time equivalent positions, if a corresponding reduction in  
1 22 full-time equivalent positions is made within the department or  
1 23 establishment, or within another department or establishment.  
1 24 (3) A department's or establishment's hiring requirements  
1 25 that are directly related to the following activities are  
1 26 exempt from the restrictions of subparagraph (1):  
1 27 (a) Direct custody, supervision, and patient care in  
1 28 corrections, juvenile rehabilitation, institutional care of  
1 29 veterans, the mentally ill, and the developmentally disabled,  
1 30 state hospitals, the glenwood state resource center, the  
1 31 woodward state resource center, the state mental health  
1 32 institutes, the Iowa braille and sight saving school, and the  
1 33 state school for the deaf.  
1 34 (b) Direct protective services to children and other  
1 35 vulnerable populations in the department of human services.



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2 1 (c) Operations of the Iowa state patrol, criminal  
2 2 investigation, fire marshal, intelligence, and narcotics  
2 3 enforcement divisions of the department of public safety.  
2 4 (d) Hazardous materials response and emergency cleanup.  
2 5 (e) Emergency public health and patient safety response and  
2 6 the operation of the state hygienic laboratory.  
2 7 (f) Military operations and emergency management within the  
2 8 department of public defense.  
2 9 (g) Fire fighting.  
2 10 Sec. 4. Section 262.9, Code 2011, is amended by adding the  
2 11 following new subsection:  
2 12 NEW SUBSECTION. 36. Establish a policy restricting  
2 13 the creation and filling of full-time equivalent positions  
2 14 comparable to the restrictions imposed in section 8.36A,  
2 15 subsection 2, paragraph "c".  
2 16 Sec. 5. Section 602.1204, Code 2011, is amended by adding  
2 17 the following new subsection:  
2 18 NEW SUBSECTION. 2A. The state court administrator under  
2 19 the direction of the supreme court shall establish a policy  
2 20 restricting the creation and filling of full-time equivalent  
2 21 positions comparable to the restrictions imposed in section  
2 22 8.36A, subsection 2, paragraph "c".  
2 23 Sec. 6. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
2 24 immediate importance, takes effect upon enactment.  
2 25 EXPLANATION  
2 26 This bill places a hiring freeze on state employment within  
2 27 the executive, legislative, and judicial branches. The hiring  
2 28 freeze extends to the regents institutions.  
2 29 The bill prohibits the creation of new full-time equivalent  
2 30 positions. The bill also prohibits hiring in order to fill  
2 31 existing vacant positions.  
2 32 The bill provides that a state agency may establish new or  
2 33 fill vacant existing positions if matching reductions are made  
2 34 in equivalent positions elsewhere within the agency, or within  
2 35 another state agency.



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3 1 The bill allows for hiring when the position relates  
3 2 to certain activities not subject to the hiring freeze.  
3 3 Activities directly related to custody, supervision and  
3 4 patient care in corrections; juvenile rehabilitation;  
3 5 veterans institutional care; care for the mentally ill or  
3 6 developmentally disabled; state hospitals; schools for the  
3 7 blind or the deaf; and special mental health centers. Also  
3 8 exempted are activities related to direct child and vulnerable  
3 9 population protective services; those occurring within certain  
3 10 divisions of the department of public safety; those related  
3 11 to hazardous materials response and cleanup; those related to  
3 12 emergency public health; those related to military operations  
3 13 and emergency management under the department of public  
3 14 defense; and those related to fire fighting.  
3 15 The bill takes effect upon enactment.

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**Senate File 224 - Introduced**

SENATE FILE

BY DIX, ZAUN, KETTERING,  
JOHNSON, SORENSON,  
HOUSER, SEYMOUR, BEHN,  
McKINLEY, BOETTGER,  
BACON, GREINER,  
CHELGREN, KAPUCIAN,  
FEENSTRA, HAHN,  
ANDERSON, BERTRAND,  
HAMERLINCK, SMITH,  
WARD, and ERNST

**A BILL FOR**

1 An Act reducing the individual income tax rates and including  
2 effective date and applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1164XS (5) 84  
tw/sc



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Senate File 224 - Introduced continued

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1 1 Section 1. Section 422.5, subsection 1, paragraphs a  
1 2 through i, Code 2011, are amended to read as follows:  
1 3 a. On all taxable income from zero through one thousand  
1 4 dollars, ~~thirty-six~~ thirty-two hundredths of one percent.  
1 5 b. On all taxable income exceeding one thousand dollars  
1 6 but not exceeding two thousand dollars, ~~seventy-two~~ sixty-five  
1 7 hundredths of one percent.  
1 8 c. On all taxable income exceeding two thousand dollars  
1 9 but not exceeding four thousand dollars, two and ~~forty-three~~  
1 10 nineteen hundredths percent.  
1 11 d. On all taxable income exceeding four thousand dollars  
1 12 but not exceeding nine thousand dollars, four and ~~one-half~~ five  
1 13 hundredths percent.  
1 14 e. On all taxable income exceeding nine thousand dollars  
1 15 but not exceeding fifteen thousand dollars, ~~six~~ five and ~~twelve~~  
1 16 fifty-one hundredths percent.  
1 17 f. On all taxable income exceeding fifteen thousand dollars  
1 18 but not exceeding twenty thousand dollars, six and ~~forty-eight~~  
1 19 eighty-three hundredths percent.  
1 20 g. On all taxable income exceeding twenty thousand dollars  
1 21 but not exceeding thirty thousand dollars, six and ~~eight-tenths~~  
1 22 twelve hundredths percent.  
1 23 h. On all taxable income exceeding thirty thousand dollars  
1 24 but not exceeding forty-five thousand dollars, seven and  
1 25 ~~ninety-two~~ thirteen hundredths percent.  
1 26 i. On all taxable income exceeding forty-five thousand  
1 27 dollars, eight and ~~ninety-eight~~ eight hundredths percent.  
1 28 Sec. 2. EFFECTIVE DATE AND APPLICABILITY. This Act takes  
1 29 effect January 1, 2012, and applies to tax years beginning on  
1 30 or after that date.  
1 31 EXPLANATION  
1 32 This bill reduces by approximately 10 percent the tax rate  
1 33 for each of the nine tax brackets of the individual income tax.  
1 34 The current individual income tax rates range from a low of  
1 35 .36 percent to a high of 8.98 percent. The bill changes these



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2 1 rates to a low of .32 percent to a high of 8.08 percent.  
2 2 The bill takes effect January 1, 2012, and applies to tax  
2 3 years beginning on or after that date.  
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tw/sc



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**Senate File 225 - Introduced**

SENATE FILE

BY BEALL, BOLKCOM, HOGG,  
HOUSER, and KIBBIE

**A BILL FOR**

1 An Act relating to alternate and renewable energy production  
2 by establishing an alternate and renewable energy incentive  
3 program applicable to alternate energy production facilities  
4 under specified circumstances.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2436XS (4) 84

rn/nh





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Senate File 225 - Introduced continued

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1 1 Section 1. NEW SECTION. 476.43A Alternate and renewable  
1 2 energy incentive program.  
1 3 1. It is the intent of the general assembly to encourage  
1 4 the development of utility=owned and customer=owned alternate  
1 5 and renewable energy production facilities. The board shall  
1 6 establish and administer an alternate and renewable energy  
1 7 incentive program to encourage the development of alternate  
1 8 energy production projects across this state.  
1 9 2. An alternate energy production facility with a nameplate  
1 10 generating capacity of less than or equal to twenty megawatts  
1 11 which seeks to enter into an interconnection and power sales  
1 12 agreement with an electric utility may submit an application  
1 13 for approval to the board. The board shall develop an  
1 14 application form and establish approval criteria by rule.  
1 15 3. a. Eligibility for the program shall be contingent upon  
1 16 the following:  
1 17 (1) Meeting the requirements of section 476C.1, subsection  
1 18 6, paragraph "b", subparagraphs (1) through (3), and  
1 19 subparagraphs (6) and (7), with regard to fifty=one percent  
1 20 ownership in the facility being comprised of one or more of  
1 21 the individuals or entities identified pursuant to those  
1 22 subparagraphs.  
1 23 (2) Having applied for or obtained the necessary financing  
1 24 to cover facility construction and operation costs.  
1 25 (3) Completing a standard interconnection request form  
1 26 established by the board by rule.  
1 27 (4) Meeting the requirements for a qualifying facility  
1 28 pursuant to the federal Public Utility Regulatory Policies Act  
1 29 of 1978, 16 U.S.C. { 2601 et seq.  
1 30 b. Notwithstanding the maximum ownership or purchase  
1 31 requirements of section 476.44, an electric utility shall  
1 32 interconnect with a facility which is approved by the board  
1 33 for participation in the program and shall purchase energy  
1 34 from that facility at the rates approved in the standard  
1 35 offer contract filed pursuant to subsection 4 with the board.



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2 1 However, an electric utility shall not be required to purchase  
2 2 an amount of energy from new program participants in a given  
2 3 year which exceeds fifty percent of its retail sales growth  
2 4 during the previous year. Any amount of energy not purchased  
2 5 from program participants in a single year may be carried  
2 6 forward to subsequent years for at least five years.

2 7 4. The board shall develop a standard offer contract form  
2 8 to facilitate interconnection between an electric utility and  
2 9 a program participant. The form shall be subject to biannual  
2 10 review and periodic adjustment by the board with respect to new  
2 11 program participants. The board shall require all electric  
2 12 utilities to file with the board standard offer contracts  
2 13 consistent with the form, subject to modification and approval  
2 14 by the board. Electric utilities shall make the contracts  
2 15 available to any approved program participant. Standard offer  
2 16 contracts shall continue in effect for a twenty-year period,  
2 17 subject to termination provisions for failure to perform, to be  
2 18 established by the board by rule.

2 19 5. The standard offer contracts shall be calculated on  
2 20 a kilowatt-hour basis, and shall be based on each utility's  
2 21 cost, inclusive of its required rate of return, for the new  
2 22 development of each form of technology and project size,  
2 23 according to the following schedule:

2 24 a. For wind turbine facilities, separate standard offer  
2 25 contracts shall be calculated for facilities of between zero  
2 26 and one-half megawatt of nameplate generating capacity, and for  
2 27 facilities larger than one-half megawatt but less than twenty  
2 28 megawatts of nameplate generating capacity. The contracts  
2 29 shall incorporate rates based on a single reference tower wind  
2 30 speed, to be determined by the board by rule, and adjusted to  
2 31 the wind speed of the project location.

2 32 b. For photovoltaic facilities, separate standard offer  
2 33 contracts shall be calculated for facilities of between zero  
2 34 and twenty kilowatts of nameplate generating capacity, and for  
2 35 facilities larger than twenty kilowatts of nameplate generating



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3 1 capacity.

3 2 c. For waste management facilities, agricultural crop and  
3 3 residue facilities, and hydroelectric facilities, separate  
3 4 standard offer contracts shall be calculated for facilities  
3 5 of between zero and one-half megawatt of nameplate generating  
3 6 capacity, and for facilities larger than one-half megawatt and  
3 7 less than twenty megawatts of nameplate generating capacity.

3 8 6. Standard offer contracts shall be in lieu of rates  
3 9 otherwise determined by the board pursuant to section 476.43.  
3 10 An unsuccessful applicant, or an alternate energy production  
3 11 facility with larger than twenty megawatts of nameplate  
3 12 generating capacity, shall be governed by the rates established  
3 13 in section 476.43.

3 14 7. The board shall submit a report to the general assembly  
3 15 by January 1 annually regarding participation levels and  
3 16 program results.

3 17 EXPLANATION

3 18 This bill establishes an alternate and renewable energy  
3 19 incentive program applicable to alternate energy production  
3 20 facilities approved for participation in the program.

3 21 The bill provides that an alternate energy production  
3 22 facility with a nameplate generating capacity of less  
3 23 than or equal to 20 megawatts which seeks to enter into an  
3 24 interconnection and power sales agreement with an electric  
3 25 utility may submit an application for approval to the Iowa  
3 26 utilities board. To be eligible to apply for the program, a  
3 27 facility must meet certain percentage ownership requirements  
3 28 specified in Code section 476C.1, subsection 6, paragraph "b",  
3 29 have applied for or obtained the necessary financing to cover  
3 30 facility construction and operation costs, complete a standard  
3 31 interconnection request form established by the board by rule,  
3 32 and meet the requirements for a qualifying facility pursuant to  
3 33 the federal Public Utility Regulatory Policies Act of 1978.

3 34 The bill provides that notwithstanding the maximum ownership  
3 35 or purchase requirements of Code section 476.44, an electric



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4 1 utility shall be required to interconnect with a facility  
4 2 approved by the board for the program, but shall not be  
4 3 required to purchase an amount of energy from new program  
4 4 participants in a given year which exceeds 50 percent of its  
4 5 retail sales growth during the previous year. The bill states  
4 6 that amounts not purchased from program participants in a  
4 7 single year may be carried forward to subsequent years for at  
4 8 least five years.  
4 9 The bill directs the board to develop a standard offer  
4 10 contract form to facilitate interconnection between an electric  
4 11 utility and a program participant, which shall be subject to  
4 12 biannual review and periodic adjustment by the board with  
4 13 respect to new program participants. All electric utilities  
4 14 shall file with the board standard offer contracts consistent  
4 15 with this form, subject to modification and board approval, and  
4 16 shall make these contracts available to any approved program  
4 17 participant. The bill provides that standard offer contracts  
4 18 shall continue in effect for 20 years, subject to termination  
4 19 provisions for failure to perform, to be established by the  
4 20 board by rule.  
4 21 The bill specifies that standard offer contracts shall be  
4 22 calculated on a kilowatt=hour basis, and shall be based on  
4 23 each utility's cost, inclusive of its required rate of return,  
4 24 for the new development of each form of technology and project  
4 25 size, varying by the type of alternate and renewable energy  
4 26 production facility involved. For wind turbine facilities,  
4 27 the bill provides that separate standard offer contracts shall  
4 28 be calculated for facilities of between zero and one-half  
4 29 megawatt, and for facilities larger than one-half megawatt but  
4 30 less than 20 megawatts, and shall incorporate rates based on a  
4 31 single reference tower wind speed to be determined by the board  
4 32 by rule and adjusted to the wind speed of the project location.  
4 33 For photovoltaic facilities, the bill provides that separate  
4 34 standard offer contracts shall be calculated for facilities of  
4 35 between zero and 20 kilowatts, and for facilities larger than



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5 1 20 kilowatts. For waste management facilities, agricultural  
5 2 crop and residue facilities, and hydroelectric facilities, the  
5 3 bill provides that separate standard offer contracts shall  
5 4 be calculated for facilities of between zero and one-half  
5 5 megawatt, and for facilities larger than one-half megawatt and  
5 6 less than 20 megawatts.

5 7 The bill states that standard offer contracts shall be  
5 8 in lieu of alternate and renewable energy rates otherwise  
5 9 determined by the board pursuant to Code section 476.43,  
5 10 and that an unsuccessful applicant, or an alternate energy  
5 11 production facility with larger than 20 megawatts of nameplate  
5 12 generating capacity, shall be governed by the Code section  
5 13 476.43 rates.

5 14 The bill requires the board to submit a report to the general  
5 15 assembly by January 1 annually regarding program participation  
5 16 levels and results.

LSB 2436XS (4) 84

rn/nh



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## Senate Joint Resolution 14 - Introduced

SENATE JOINT RESOLUTION  
BY WARD

### SENATE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution  
2 of the State of Iowa relating to a guarantee to vote a  
3 secret ballot for representation by a labor organization.  
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1781SS (2) 84  
je/rj



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Senate Joint Resolution 14 - Introduced continued

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1 1 Section 1. The following amendment to the Constitution of  
1 2 the State of Iowa is proposed:

1 3 Article XI of the Constitution of the State of Iowa is  
1 4 amended by adding the following new section:

1 5 Right to vote secret ballot for representation by a labor  
1 6 organization guaranteed.SEC. 9. The fundamental right of  
1 7 an individual to vote by secret ballot is guaranteed for  
1 8 a designation, selection, or authorization for employee  
1 9 representation by a labor organization.

1 10 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed  
1 11 amendment to the Constitution of the State of Iowa is referred  
1 12 to the general assembly to be chosen at the next general  
1 13 election for members of the general assembly, and the secretary  
1 14 of state is directed to cause it to be published for three  
1 15 consecutive months previous to the date of that election as  
1 16 provided by law.

1 17 EXPLANATION

1 18 This joint resolution proposes an amendment to the  
1 19 Constitution of the State of Iowa guaranteeing the right of  
1 20 an individual to vote by secret ballot for a designation,  
1 21 selection, or authorization for employee representation by a  
1 22 labor organization.

1 23 The joint resolution, if adopted, would be referred to the  
1 24 next general assembly (Eighty=fifth) for adoption a second time  
1 25 before being submitted to the electorate for ratification.

LSB 1781SS (2) 84

je/rj



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**Senate Study Bill 1116**

SENATE/HOUSE FILE  
BY DEPARTMENT OF ECONOMIC  
DEVELOPMENT

**A BILL FOR**

1 An Act relating to the administration of the enterprise zones  
2 program by the department of economic development.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1333DP (20) 84  
tw/sc





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1 1 Section 1. Section 15.119, subsection 2, paragraph d, Code  
1 2 2011, is amended to read as follows:

1 3 d. The enterprise zones program administered pursuant  
1 4 to sections 15E.191 through 15E.197, but excluding section  
1 5 15E.193B. The aggregate tax credit limit provided in this  
1 6 section shall not apply to the incentives provided to eligible  
1 7 housing businesses under section 15E.193B.

1 8 Sec. 2. Section 15A.1, subsection 5, paragraph c, Code 2011,  
1 9 is amended to read as follows:

1 10 c. The area is located in a ~~city or county that meets the~~  
1 11 ~~distress criteria provided under the enterprise zone program in~~  
1 12 ~~section 15E.194, subsection 1 or 2~~ county or city portion that  
1 13 is included on the list of enterprise zones certified pursuant  
1 14 to section 15E.193.

1 15 Sec. 3. Section 15E.192, Code 2011, is amended by striking  
1 16 the section and inserting in lieu thereof the following:

1 17 15E.192 Definitions.

1 18 For purposes of this division, unless the context otherwise  
1 19 requires:

1 20 1. "Board" means the Iowa economic development board created  
1 21 in section 15.103.

1 22 2. "City portion" means a qualified census tract and all  
1 23 census tracts adjacent to the qualified census tract.

1 24 3. "Commission" means an enterprise zone housing commission  
1 25 established pursuant to section 15E.195.

1 26 4. "Created job" means the same as defined in section  
1 27 15G.101.

1 28 5. "Department" means the Iowa department of economic  
1 29 development created in section 15.105.

1 30 6. "Eligible business" means a business meeting the  
1 31 requirements of section 15E.193A.

1 32 7. "Full-time equivalent position" means the same as defined  
1 33 in section 15G.101.

1 34 8. "Infilling" means the demolition of a vacant, blighted,  
1 35 obsolete, or otherwise underutilized structure in a developed



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2 1 area in order to build a new structure on the same site.  
2 2 9. "Maintenance period completion date" means the same as  
2 3 defined in section 15G.101.  
2 4 10. "Qualified census tract" means a census tract  
2 5 designated as a qualified census tract by the United States  
2 6 secretary of housing and urban development pursuant to section  
2 7 42(d)(5)(B)(ii) of the federal Internal Revenue Code.  
2 8 11. "Qualifying wage threshold" means the same as defined  
2 9 in section 15G.101.  
2 10 12. "Retained job" means the same as defined in section  
2 11 15G.101.  
2 12 Sec. 4. Section 15E.193, Code 2011, is amended by striking  
2 13 the section and inserting in lieu thereof the following:  
2 14 15E.193 Enterprise zones.  
2 15 1. a. Each year prior to July 1, the department shall  
2 16 certify a list of enterprise zones. The list shall include all  
2 17 of the following:  
2 18 (1) Counties that qualify pursuant to subsection 2.  
2 19 (2) City portions that qualify pursuant to subsection 3.  
2 20 (3) Counties that qualify for the special enterprise zone  
2 21 certification described in subsection 4.  
2 22 (4) Expiring enterprise zones, as described in paragraph  
2 23 "c".  
2 24 b. The list of enterprise zones certified pursuant to  
2 25 paragraph "a" shall be in effect from the July 1 following  
2 26 certification to the next June 30 after which time the next  
2 27 certified list shall be considered in effect.  
2 28 c. (1) If a county or city portion that qualified under  
2 29 subsection 2, 3, or 4 at the prior annual certification fails  
2 30 to qualify under subsection 2, 3, or 4 at the subsequent annual  
2 31 certification, the county or city portion shall be considered  
2 32 an expiring enterprise zone. An enterprise zone shall be  
2 33 considered expiring until the end of the effective period for  
2 34 the annual certification at which the enterprise zone failed  
2 35 to qualify.



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3 1 (2) If, at the end of the effective period, an expiring  
3 2 enterprise zone fails for a second consecutive annual  
3 3 certification to qualify for the certified list under  
3 4 subsection 2, 3, or 4, then the enterprise zone shall expire  
3 5 and shall not be included on the certified list of enterprise  
3 6 zones.

3 7 (3) Expiration of an enterprise zone does not preclude a  
3 8 county or city portion from requalifying as an enterprise zone  
3 9 under this subsection 1 if, at any point after expiration, the  
3 10 county or city portion is found to meet the requirements of  
3 11 subsection 2 or 3.

3 12 (4) For purposes of this paragraph "c", "effective period"  
3 13 means the period described in paragraph "b".

3 14 d. (1) As long as an enterprise zone remains on the list  
3 15 certified pursuant to subsection 1 or has not expired pursuant  
3 16 to paragraph "c", subparagraph (2), the county or city may  
3 17 confer the incentives and assistance available under sections  
3 18 15E.196 and 15E.197 to eligible businesses located within the  
3 19 enterprise zone.

3 20 (2) A county or city shall not confer new incentives and  
3 21 assistance or extend the time period of existing incentives and  
3 22 assistance once an enterprise zone has expired. However, this  
3 23 paragraph "d" shall not be construed to abrogate the terms of  
3 24 agreements providing incentives and assistance beyond the date  
3 25 of expiration of the enterprise zone as long as the benefits in  
3 26 such agreements were conferred prior to the expiration of the  
3 27 enterprise zone, and are otherwise valid.

3 28 2. a. A county shall be included on the certified list  
3 29 if it is ranked among the twenty-five poorest performing Iowa  
3 30 counties as measured by two or more of the following criteria:

3 31 (1) The most recent five-year average of the annual  
3 32 unemployment rate, as determined by the department of workforce  
3 33 development.

3 34 (2) The most recent five-year average of the county's  
3 35 annual average weekly wage, as determined by the department of



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4 1 workforce development.

4 2       (3) The most recent five=year average of the annual  
4 3 population growth rate, as estimated by the United States  
4 4 census bureau.

4 5       (4) The most recent five=year average of the annual poverty  
4 6 rate, as estimated by the United States census bureau.

4 7       b. If a county qualifies as an enterprise zone, then each  
4 8 city, or part thereof, located in the county shall be included  
4 9 in the enterprise zone.

4 10      3. a. A city portion shall be included on the certified  
4 11 list if it contains a census tract that has been designated as  
4 12 a qualified census tract.

4 13      b. A city may contain more than one city portion certified  
4 14 as an enterprise zone pursuant to this section.

4 15      4. a. Notwithstanding the annual certification process  
4 16 described in subsection 1 and the county qualification  
4 17 requirements in subsection 2, the department may grant a  
4 18 special enterprise zone certification to any county that  
4 19 experiences a significant permanent reduction in employment.

4 20      b. A special enterprise zone certification granted pursuant  
4 21 to this subsection may be granted at a time other than the  
4 22 annual certification under subsection 1.

4 23      c. A special enterprise zone certification granted pursuant  
4 24 to this subsection shall be in effect for five years and shall  
4 25 commence from the date of the significant permanent reduction  
4 26 in employment. The department shall determine the date of  
4 27 commencement according to criteria adopted by rule pursuant to  
4 28 chapter 17A.

4 29      d. A business precipitating a significant permanent  
4 30 reduction in employment, or its successors in interest, shall  
4 31 not be eligible to receive the incentives and assistance  
4 32 otherwise available to businesses located in an enterprise  
4 33 zone.

4 34      e. For purposes of this subsection, "significant permanent  
4 35 reduction in employment" means the closing of, or a permanent



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5 1 reduction in force by, a single nonretail business in which all  
5 2 of the following conditions exist:

5 3       (1) The closing or reduction in force involves the loss of  
5 4 nonseasonal full-time equivalent positions.

5 5       (2) The closing or reduction in force is due to the  
5 6 relocation of jobs to another state or a foreign country, the  
5 7 cessation of manufacturing activities in the state, the removal  
5 8 of industrial plant capacity, or any similar cause identified  
5 9 by the department as a primary contributing factor in the  
5 10 closing or reduction in force.

5 11       (3) The closing or reduction in force takes place on or  
5 12 after February 1, 2007.

5 13       (4) The closing or reduction in force amounts to the lesser  
5 14 of the following:

5 15       (a) One thousand full-time equivalent positions.

5 16       (b) Four percent or more of the county's labor force,  
5 17 as determined according to the most recent annual resident  
5 18 labor force statistics compiled by the department of workforce  
5 19 development.

5 20       Sec. 5. NEW SECTION. 15E.193A Eligible business.

5 21       1. A business that is or will be located in an enterprise  
5 22 zone certified pursuant to section 15E.193 is eligible to  
5 23 receive incentives and assistance pursuant to this division if  
5 24 the business meets all of the following requirements:

5 25       a. Has not closed or reduced operations in one area of the  
5 26 state and relocated substantially the same operations into the  
5 27 enterprise zone. This paragraph "a" shall not be construed  
5 28 to prohibit a business from expanding its operation in an  
5 29 enterprise zone if existing operations of a similar nature in  
5 30 this state are not closed or substantially reduced.

5 31       b. Is not a retail business or a business where entrance is  
5 32 limited by a cover charge or membership requirement.

5 33       c. Provides a sufficient package of benefits to each  
5 34 employee holding a created or retained job. The board, at the  
5 35 recommendation of the department, shall adopt rules determining



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6 1 what constitutes a sufficient package of benefits.  
6 2 d. Pays to each employee holding a created or retained job  
6 3 a wage that is at least ninety percent of the qualifying wage  
6 4 threshold.  
6 5 e. Creates or retains at least ten full-time equivalent  
6 6 positions and maintains them until the maintenance period  
6 7 completion date.  
6 8 2. A business meeting the requirements of subsection 1 shall  
6 9 submit to the department with its application for financial  
6 10 assistance a report describing all violations of environmental  
6 11 law or worker safety law within the last five years. If, upon  
6 12 review of the application, the board finds that the business  
6 13 has a record of violations of the law, statutes, rules, or  
6 14 regulations and such violations show a consistent pattern, the  
6 15 board shall not make an award of financial assistance to the  
6 16 business unless the board finds either that the violations  
6 17 did not seriously affect public health, public safety, or the  
6 18 environment, or, if such violations did seriously affect public  
6 19 health, public safety, or the environment, that mitigating  
6 20 circumstances were present.  
6 21 3. An eligible business receiving incentives or assistance  
6 22 under this division shall enter into an agreement with the  
6 23 department and the city or county containing the certified  
6 24 enterprise zone. The agreement shall provide for the method  
6 25 of determining the amount of incentives and assistance to be  
6 26 provided under this division and shall stipulate the penalties  
6 27 for failure to comply with the requirements of subsection 1.  
6 28 4. a. A business receiving financial assistance under this  
6 29 division shall comply with all applicable requirements for as  
6 30 long as the assistance is provided.  
6 31 b. A business failing to comply with all applicable  
6 32 requirements shall not receive the incentives and assistance  
6 33 provided for in this division during the period of time the  
6 34 business is not in compliance.  
6 35 c. At the department's discretion, a business failing



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7 1 to comply with subsection 1 may be held liable for all or a  
7 2 portion of the incentives or assistance received under this  
7 3 division. The department of revenue may recover from such a  
7 4 business the value of the incentives and assistance provided  
7 5 by the state under section 15E.196, as well as any penalties  
7 6 and interest.

7 7 d. A city or county may recover from a business that fails  
7 8 to comply with the requirements of subsection 1 the value of  
7 9 all tax revenues foregone or not collected because of the  
7 10 provision of assistance under section 15E.196.

7 11 5. If a business that is approved to receive incentives  
7 12 or assistance under this division experiences a layoff within  
7 13 the state or closes any of its facilities within the state  
7 14 prior to receiving the incentives or assistance, the department  
7 15 may reduce or eliminate some or all of the incentives and  
7 16 assistance. If a business that has received incentives or  
7 17 assistance under this division experiences a layoff within the  
7 18 state or closes any of its facilities within the state, the  
7 19 business may be subject to recapture of all or a portion of the  
7 20 incentives that it has received.

7 21 6. An eligible business receiving incentives or assistance  
7 22 under this division shall only employ individuals legally  
7 23 authorized to work in this state. In addition to any other  
7 24 applicable penalties, the incentives and assistance, or a  
7 25 portion thereof, received by a business that is found to  
7 26 knowingly employ individuals not legally authorized to work in  
7 27 this state are subject to recapture by the department.

7 28 Sec. 6. Section 15E.193B, subsections 1 through 3, Code  
7 29 2011, are amended to read as follows:

7 30 1. A housing business qualifying under this section is  
7 31 eligible to receive incentives and assistance only as provided  
7 32 in this section. ~~An eligible housing business shall not~~  
~~7 33 receive incentives or assistance for a home or multiple~~  
~~7 34 dwelling unit built or rehabilitated in an enterprise zone~~  
~~7 35 designated pursuant to section 15E.194, subsection 3 or 5.~~



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8 1 Sections ~~15E.193~~ 15E.193A and 15E.196 do not apply to an  
8 2 eligible housing business qualifying under this section.  
8 3 2. An eligible housing business under this section  
8 4 includes a housing developer, housing contractor, or nonprofit  
8 5 organization that builds or rehabilitates ~~a minimum~~ one or more  
8 6 ~~of four~~ the following:  
8 7 a. ~~Four single-family homes located in that part of a city~~  
~~8 8 or county in which there is a designated an enterprise zone or~~  
~~8 9 one.~~  
8 10 b. One multiple dwelling unit building containing three or  
8 11 more individual dwelling units located in that part of a city  
~~8 12 or county in which there is a designated an enterprise zone.~~  
8 13 c. One multiple dwelling unit building containing two  
8 14 or more individual units in the upper floors of a mixed use  
8 15 commercial building that is fifty years of age or older and  
8 16 located in an enterprise zone.  
8 17 3. The single-family homes and dwelling units which are  
8 18 rehabilitated or constructed by the eligible housing business  
8 19 shall include the necessary amenities. When completed and made  
8 20 available for occupancy, the single-family homes and dwelling  
8 21 units shall meet ~~the United States department of housing and~~  
~~8 22 urban development's housing quality standards and local all~~  
8 23 applicable building code requirements and safety standards.  
8 24 Sec. 7. Section 15E.193B, subsection 5, unnumbered  
8 25 paragraph 1, Code 2011, is amended to read as follows:  
8 26 An eligible housing business shall provide the enterprise  
8 27 zone housing commission with all of the following information:  
8 28 Sec. 8. Section 15E.193B, subsections 6, 8, and 9, Code  
8 29 2011, are amended to read as follows:  
8 30 6. An eligible housing business ~~which~~ that has been approved  
8 31 by the department to receive incentives and assistance ~~by the~~  
~~8 32 department of economic development pursuant to application as~~  
~~8 33 provided in section 15E.195~~ shall receive all of the following  
8 34 incentives and assistance for a period not to exceed ~~ten~~ five  
8 35 years:





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9 1 a. (1) An eligible housing business may claim a tax credit  
9 2 up to a maximum of ten percent of the new investment which  
9 3 is directly related to the building ~~or~~, rehabilitating, or  
9 4 infilling of ~~a minimum of four~~ any of the following:

9 5 (a) Four or more single-family homes located in ~~that part of~~  
9 6 ~~a city or county in which there is a designated~~ an enterprise  
9 7 zone ~~or one~~.

9 8 (b) One multiple dwelling unit building containing three or  
9 9 more individual dwelling units located in ~~that part of a city~~  
9 10 ~~or county in which there is a designated~~ an enterprise zone.

9 11 (c) One multiple dwelling unit building containing two  
9 12 or more individual units in the upper floors of a mixed use  
9 13 commercial building that is fifty years of age or older and  
9 14 located in an enterprise zone.

9 15 (2) (a) The new investment that may be used to compute  
9 16 the tax credit shall not exceed the new investment used for  
9 17 the first one hundred forty thousand dollars of value for each  
9 18 single-family home or for each unit of a multiple dwelling unit  
9 19 building containing three or more units.

9 20 (b) If an eligible housing business is investing in a  
9 21 project involving infilling, the amount of the new investment  
9 22 that may be used to compute the tax credit shall not exceed the  
9 23 new investment used for the first one hundred fifty thousand  
9 24 dollars of value for each single-family home or for each unit  
9 25 of a multiple dwelling unit building that contains three or  
9 26 more units.

9 27 (3) The tax credit may be used to reduce the tax liability  
9 28 imposed under chapter 422, division II, III, or V, or chapter  
9 29 432. Any credit in excess of the tax liability for the tax  
9 30 year may be credited to the tax liability for the following  
9 31 seven years or until depleted, whichever occurs earlier. If  
9 32 the business is a partnership, S corporation, limited liability  
9 33 company, or estate or trust electing to have the income taxed  
9 34 directly to the individual, an individual may claim the tax  
9 35 credit allowed. The amount claimed by the individual shall be



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10 1 based upon the pro rata share of the individual's earnings of  
10 2 the partnership, S corporation, limited liability company, or  
10 3 estate or trust except as allowed for under subsection 8 when  
10 4 low=income housing tax credits authorized under section 42 of  
10 5 the Internal Revenue Code are used to assist in the financing  
10 6 of the housing development.

10 7     b. Sales, services, and use tax refund for taxes paid by an  
10 8 eligible business including an eligible business acting as a  
10 9 contractor or subcontractor, as provided in section 15.331A.

10 10     8. a. The amount of the tax credits determined pursuant to  
10 11 subsection 6, paragraph "a", for each project shall be approved  
10 12 by the department ~~of economic development~~. The department  
10 13 shall utilize the financial information required to be provided  
10 14 under subsection 5, paragraph "e", to determine the tax credits  
10 15 allowed for each project. In determining the amount of tax  
10 16 credits to be allowed for a project, the department shall  
10 17 not include the portion of the project cost financed through  
10 18 federal, state, and local government tax credits, grants, and  
10 19 forgivable loans.

10 20     b. Upon approving the amount of the tax credit, the  
10 21 department ~~of economic development~~ shall issue a tax credit  
10 22 certificate to the eligible housing business except when  
10 23 low=income housing tax credits authorized under section 42 of  
10 24 the Internal Revenue Code are used to assist in the financing  
10 25 of the housing development in which case the tax credit  
10 26 certificate may be issued to a partner if the business is a  
10 27 partnership, a shareholder if the business is an S corporation,  
10 28 or a member if the business is a limited liability company  
10 29 in the amounts designated by the eligible partnership, S  
10 30 corporation, or limited liability company.

10 31     c. An eligible housing business or the designated partner  
10 32 if the business is a partnership, designated shareholder if  
10 33 the business is an S corporation, or designated member if the  
10 34 business is a limited liability company, or transferee shall  
10 35 not claim the tax credit unless a tax credit certificate is



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11 1 attached to the taxpayer's return for the tax year for which  
11 2 the tax credit is claimed. The tax credit certificate shall  
11 3 contain the taxpayer's name, address, tax identification  
11 4 number, the amount of the tax credit, and other information  
11 5 required by the department of revenue. The tax credit  
11 6 certificate shall be transferable if the housing development  
11 7 is located in a brownfield site as defined in section 15.291,  
11 8 if the housing development is located in a blighted area as  
11 9 defined in section 403.17, or if low-income housing tax credits  
11 10 authorized under section 42 of the Internal Revenue Code are  
11 11 used to assist in the financing of the housing development.  
11 12 d. Not more than three million dollars worth of tax credits  
11 13 for housing developments that are located in a brownfield  
11 14 site as defined in section 15.291 or housing developments  
11 15 located in a blighted area as defined in section 403.17  
11 16 shall be transferred in one calendar year. The three million  
11 17 dollar annual limit does not apply to tax credits awarded to  
11 18 an eligible housing business having low-income housing tax  
11 19 credits authorized under section 42 of the Internal Revenue  
11 20 Code to assist in the financing of the housing development.  
11 21 The department may approve an application for tax credit  
11 22 certificates for transfer from an eligible housing business  
11 23 located in a brownfield site as defined in section 15.291 or  
11 24 in a blighted area as defined in section 403.17 that would  
11 25 result in the issuance of more than three million dollars of  
11 26 tax credit certificates for transfer, provided the department,  
11 27 through negotiation with the eligible business, allocates  
11 28 those tax credit certificates for transfer over more than one  
11 29 calendar year.  
11 30 e. The department shall not approve more than one million  
11 31 five hundred thousand dollars in tax credit certificates for  
11 32 transfer to any one eligible housing business located in a  
11 33 brownfield site as defined in section 15.291 or in a blighted  
11 34 area as defined in section 403.17 in a calendar year. If three  
11 35 million dollars in tax credit certificates for transfer have



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12 1 not been issued at the end of a calendar year, the remaining  
12 2 tax credit certificates for transfer may be issued in advance  
12 3 to an eligible housing business scheduled to receive a tax  
12 4 credit certificate for transfer in a later calendar year.  
12 5 f. Any time the department approves a tax credit certificate  
12 6 for transfer which has not been allocated at the end of  
12 7 a calendar year, the department may prorate the remaining  
12 8 certificates to more than one eligible applicant. If the  
12 9 entire three million dollars of tax credit certificates for  
12 10 transfer is not issued in a given calendar year, the remaining  
12 11 amount may be carried over to a succeeding calendar year. Tax  
12 12 credit certificates issued under this ~~chapter~~ section may be  
12 13 transferred to any person or entity.  
12 14 g. The department ~~of economic development~~ shall notify the  
12 15 department of revenue of the tax credit certificates which have  
12 16 been approved for transfer.  
12 17 h. Within ninety days of transfer, the transferee must  
12 18 submit the transferred tax credit certificate to the department  
12 19 of revenue along with a statement containing the transferee's  
12 20 name, tax identification number, and address, and the  
12 21 denomination that each replacement tax credit certificate is  
12 22 to carry and any other information required by the department  
12 23 of revenue.  
12 24 i. Within thirty days of receiving the transferred tax  
12 25 credit certificate and the transferee's statement, the  
12 26 department of revenue shall issue one or more replacement  
12 27 tax credit certificates to the transferee. Each replacement  
12 28 certificate must contain the information required to receive  
12 29 the original certificate and must have the same expiration date  
12 30 that appeared in the transferred tax credit certificate.  
12 31 j. Tax credit certificate amounts of less than the minimum  
12 32 amount established by rule of the department of economic  
12 33 development shall not be transferable.  
12 34 k. A tax credit shall not be claimed by a transferee under  
12 35 subsection 6, paragraph "a", until a replacement tax credit



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13 1 certificate identifying the transferee as the proper holder has  
13 2 been issued.

13 3 1. The transferee may use the amount of the tax credit  
13 4 transferred against the taxes imposed under chapter 422,  
13 5 divisions II, III, and V, and chapter 432 for any tax year the  
13 6 original transferor could have claimed the tax credit. Any  
13 7 consideration received for the transfer of the tax credit shall  
13 8 not be included as income under chapter 422, divisions II, III,  
13 9 and V. Any consideration paid for the transfer of the tax  
13 10 credit shall not be deducted from income under chapter 422,  
13 11 divisions II, III, and V.

13 12 9. The department ~~of economic development~~ and the  
13 13 department of revenue shall each adopt rules ~~to jointly~~  
~~13 14 administer~~ for the joint administration of this section.

13 15 Sec. 9. Section 15E.195, Code 2011, is amended to read as  
13 16 follows:

13 17 15E.195 Enterprise zone housing commission.

13 18 1. a. A county ~~which designates~~ certified as an enterprise  
13 19 zone pursuant to section ~~15E.194, subsection 1~~ 15E.193, and in  
~~13 20 which an eligible enterprise zone is certified shall establish~~  
13 21 an enterprise zone housing commission to review applications  
~~13 22 from qualified businesses located within or requesting to~~  
~~13 23 locate within an enterprise zone designated pursuant to section~~  
~~13 24 15E.194, subsection 1, to receive incentives or assistance as~~  
~~13 25 provided in section 15E.196. The enterprise zone commission~~  
~~13 26 shall also review applications from qualified eligible housing~~  
13 27 businesses requesting to receive incentives or assistance as  
13 28 provided in section 15E.193B.

13 29 b. A county shall not establish more than one commission.

13 30 c. The commission established pursuant to this subsection  
13 31 shall not review applications from eligible housing businesses  
13 32 locating in an enterprise zone within a city that has  
13 33 established a commission pursuant to subsection 2.

13 34 d. The commission established pursuant to this  
13 35 subsection shall consist of ~~nine~~ three or more members who



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~~14 1 are knowledgeable about local housing conditions. Five of~~  
~~14 2 these members shall consist of one representative of the~~  
~~14 3 board of supervisors, one member with economic development~~  
~~14 4 expertise chosen by the department of economic development,~~  
~~14 5 one representative of the county zoning board, one member~~  
~~14 6 of the local community college board of directors, and one~~  
~~14 7 representative of the local workforce development center.~~  
~~14 8 These five members shall select the remaining four members.~~  
~~14 9 If the enterprise zone consists of an area meeting the~~  
~~14 10 requirements for eligibility for an urban or rural enterprise~~  
~~14 11 community under Tit. XIII of the federal Omnibus Budget~~  
~~14 12 Reconciliation Act of 1993, one of the remaining four members~~  
~~14 13 shall be a representative of that community. A county shall~~  
~~14 14 have only one enterprise zone commission to review applications~~  
~~14 15 for incentives and assistance for businesses located within~~  
~~14 16 or requesting to locate within a certified enterprise zone~~  
~~14 17 designated pursuant to section 15E.194, subsection 1.~~  
14 18 2. a. A city ~~which includes at least three census tracts~~  
~~14 19 with at least fifty percent of the population in each census~~  
~~14 20 tract located in the city and which designates an enterprise~~  
~~14 21 zone pursuant to section 15E.194, subsection 2 or 3, and in~~  
~~14 22 which an eligible with a certified enterprise zone is certified~~  
14 23 shall establish an enterprise zone housing commission to  
14 24 review applications from qualified eligible housing businesses  
14 25 ~~located within or requesting to locate within an enterprise~~  
~~14 26 zone to receive incentives or assistance as provided in~~  
~~14 27 section 15E.196. The enterprise zone commission shall review~~  
~~14 28 applications from qualified housing businesses requesting~~  
14 29 to receive incentives or assistance as provided in section  
14 30 15E.193B.  
14 31 b. The commission established pursuant to this subsection  
14 32 shall consist of ~~nine~~ three or more members who are  
14 33 knowledgeable about local housing conditions. ~~Six of these~~  
~~14 34 members shall consist of one representative of an international~~  
~~14 35 labor organization, one member with economic development~~



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~~15 1 expertise chosen by the department of economic development, one  
15 2 representative of the city council, one member of the local  
15 3 community college board of directors, one member of the city  
15 4 planning and zoning commission, and one representative of the  
15 5 local workforce development center. These six members shall  
15 6 select the remaining three members. If the enterprise zone  
15 7 consists of an area meeting the requirements for eligibility  
15 8 for an urban enterprise community under Tit. XIII of the  
15 9 federal Omnibus Budget Reconciliation Act of 1993, one of the  
15 10 remaining three members shall be a representative of that  
15 11 community.~~

15 12     c. If a city contiguous to the city designating the  
15 13 enterprise zone is included in an enterprise zone, a  
15 14 representative of the contiguous city, chosen by the city  
15 15 council, shall be a member of the commission.

15 16     d. A city ~~in which an eligible~~ with a certified enterprise  
15 17 zone ~~is certified~~ shall have only one enterprise zone  
15 18 commission. ~~If a city has established an enterprise zone~~  
~~15 19 commission prior to July 1, 1998, the city may petition to the~~  
~~15 20 department of economic development to change the structure of~~  
~~15 21 the existing commission.~~

15 22     3. a. The A commission established pursuant to this section  
15 23 may adopt more stringent requirements, including requirements  
~~15 24 related to compensation and benefits,~~ for a business to be  
15 25 eligible for incentives or assistance than provided in ~~sections~~  
~~15 26 15E.193 and section 15E.193B. The commission may develop as~~  
~~15 27 an additional requirement that preference in hiring be given~~  
~~15 28 to individuals who live within the enterprise zone. The~~  
~~15 29 commission shall work with the local workforce development~~  
~~15 30 center to determine the labor availability in the area.~~

15 31     b. The commission shall examine and evaluate building codes  
15 32 and zoning in the enterprise zone and make recommendations to  
15 33 the appropriate governing body in an effort to promote more  
15 34 affordable housing development.

15 35     4. If the ~~enterprise zone~~ commission determines that



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16 1 a housing business qualifies and is eligible to receive  
16 2 incentives or assistance as provided in section 15E.193B  
16 3 ~~or 15E.196~~, the commission shall submit an application  
16 4 for incentives or assistance to the department ~~of economic~~  
~~16 5 development~~. The department may approve, defer, or deny the  
16 6 application.  
16 7 5.a. ~~In making its decision, the commission or department~~  
~~16 8 shall consider the impact of the eligible business on other~~  
~~16 9 businesses in competition with it and compare the compensation~~  
~~16 10 package of businesses in competition with the business being~~  
~~16 11 considered for incentives or assistance. The commission or~~  
~~16 12 department shall make a good faith effort to identify existing~~  
~~16 13 Iowa businesses within an industry in competition with the~~  
~~16 14 business being considered for incentives or assistance. The~~  
~~16 15 commission or department shall also make a good faith effort~~  
~~16 16 to determine the probability that the proposed incentives or~~  
~~16 17 assistance will displace employees of existing businesses. In~~  
~~16 18 determining the impact on businesses in competition with the~~  
~~16 19 business seeking incentives or assistance, jobs created as a~~  
~~16 20 result of other jobs being displaced elsewhere in the state~~  
~~16 21 shall not be considered direct jobs created.~~  
16 22 b. ~~However, if~~ If the ~~commission or~~ department finds that  
16 23 an eligible housing business has a record of violations of the  
16 24 law, including but not limited to environmental and worker  
16 25 safety statutes, rules, and regulations, over a period of time  
16 26 that tends to show a consistent pattern, the eligible business  
16 27 shall not qualify for incentives or assistance under section  
16 28 15E.193B ~~or 15E.196~~, unless the ~~commission or~~ department  
16 29 finds that the violations did not seriously affect public  
16 30 health or safety or the environment, or if it did that there  
16 31 were mitigating circumstances. In making the findings and  
16 32 determinations regarding violations, mitigating circumstances,  
16 33 and whether an eligible housing business ~~is eligible~~ qualifies  
16 34 for incentives or assistance under section 15E.193B ~~or 15E.196~~,  
16 35 the ~~commission or~~ department shall be exempt from chapter 17A.





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17 1 If requested by the commission or department, the housing  
17 2 business shall provide copies of materials documenting the type  
17 3 of violation, any fees or penalties assessed, court filings,  
17 4 final disposition of any findings, and any other information  
17 5 which would assist the commission or department in assessing  
17 6 the nature of any violation.

17 7 6. A housing business that is approved to receive incentives  
17 8 or assistance shall, for the length of its designation as  
~~17 9 an enterprise zone business~~ duration of its agreement with  
17 10 the department, certify annually to the county or city, as  
17 11 applicable, and the department of economic development its  
17 12 compliance with the requirements of this section ~~15E.193 or~~ and  
17 13 section 15E.193B.

17 14 Sec. 10. Section 15E.196, Code 2011, is amended to read as  
17 15 follows:

17 16 15E.196 ~~Incentives~~ Eligible business ~~incentives and~~  
17 17 assistance.

17 18 ~~For purposes of determining the incentives or assistance~~  
~~17 19 provided in this section, "eligible business" means a business~~  
~~17 20 which has been approved to receive incentives and assistance by~~  
~~17 21 the department of economic development pursuant to application~~  
~~17 22 as provided in section 15E.195. The incentives and assistance~~  
~~17 23 provided under this division for businesses located in~~  
~~17 24 enterprise zones shall be for a period not to exceed ten years~~  
~~17 25 and shall include all of the following:~~

17 26 1. An eligible business that has been approved by the board  
17 27 pursuant to section 15E.193A, shall be eligible for all of the  
17 28 following incentives and assistance:

17 29 ~~1.~~ a. New jobs credit from withholding, as provided in  
17 30 section 15E.197.

17 31 ~~2.~~ b. Sales, services, and use tax refund, as provided in  
17 32 section 15.331A.

17 33 ~~3.~~ c. Investment tax credit of up to ten percent, as  
17 34 provided in section 15.333.

17 35 ~~4.~~ d. Research activities credit, as provided in section



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18 1 15.335.

18 2 ~~5. e. The county or city for which an eligible enterprise~~  
~~18 3 zone is certified may exempt from all property taxation A~~  
18 4 property tax exemption from the county or city portion in which  
18 5 the certified enterprise zone is located in an amount equal to  
18 6 all or a portion of the value added to the property upon which  
18 7 an eligible business locates or expands in an the enterprise  
18 8 zone and which is used in the operation of the eligible  
18 9 business.

18 10 (1) The amount of value added for purposes of this  
18 11 ~~subsection~~ paragraph "e" shall be the amount of the increase in  
18 12 assessed valuation of the property following the location or  
18 13 expansion of the business in the enterprise zone.

18 14 (2) If an exemption provided pursuant to this ~~subsection~~  
~~18 15 paragraph "e"~~ is made applicable to only a portion of the  
18 16 property within an enterprise zone, the definition of that  
18 17 subset of eligible property must be by uniform criteria which  
18 18 further some planning objective established by the ~~city or~~  
~~18 19 county enterprise zone commission and approved by the eligible~~  
18 20 city or county and approved by the department.

18 21 (3) The exemption may be allowed for a period not to exceed  
18 22 ~~ten~~ five years beginning the year the eligible business enters  
18 23 into an agreement with the county or city to locate or expand  
18 24 operations in an enterprise zone.

18 25 ~~6. f.~~ Insurance premium tax credit of up to ten percent,  
18 26 as provided in section 15.333A.

18 27 2. The amount of time an eligible business may receive  
18 28 incentives or assistance pursuant to this section is limited  
18 29 to five years.

18 30 Sec. 11. Section 15E.197, subsection 4, Code 2011, is  
18 31 amended to read as follows:

18 32 4. For purposes of this section, "eligible business" means  
18 33 a business which has been approved to receive incentives and  
18 34 assistance by the department of economic development pursuant  
18 35 to application as provided in section ~~15E.195~~ 15E.193A.



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19 1       Sec. 12. NEW SECTION. 15E.198 Expiration of enterprise  
19 2 zones === validity of existing agreements.  
19 3       1. All enterprise zones certified prior to July 1, 2011,  
19 4 shall expire on July 1, 2012.  
19 5       2. No new agreement shall be entered into nor any new  
19 6 incentives or assistance conferred under this division to an  
19 7 eligible business located in an expired enterprise zone.  
19 8       3. An agreement entered into and incentives or assistance  
19 9 conferred prior to the expiration of an enterprise zone under  
19 10 subsection 1 shall be valid until the date provided under such  
19 11 an agreement.  
19 12       4. During the period beginning July 1, 2011, and ending June  
19 13 30, 2012, the provisions of sections 15E.191 through 15E.197,  
19 14 Code 2011, shall apply to enterprise zones certified prior to  
19 15 July 1, 2011.  
19 16       Sec. 13. Section 15H.5, subsection 2, Code 2011, is amended  
19 17 to read as follows:  
19 18       2. The Iowa summer youth corps program is established  
19 19 to provide meaningful summer enrichment programming to  
19 20 Iowa youth. The program shall be administered by the Iowa  
19 21 commission on volunteer service using a competitive grant  
19 22 process to implement projects in accordance with program  
19 23 requirements. The commission shall adopt administrative rules  
19 24 for the program, including but not limited to incentives, grant  
19 25 criteria, and grantee selection processes. A percentage of the  
19 26 grants shall be designated by the commission to address the  
19 27 needs of ~~city enterprise zones that meet the distress criteria~~  
~~19 28 outlined in section 15E.194~~ city portions included on the list  
19 29 of certified enterprise zones pursuant to section 15E.193.  
19 30       Sec. 14. Section 15H.5, subsection 5, paragraph c, Code  
19 31 2011, is amended to read as follows:  
19 32       c. The commission shall give priority consideration to  
19 33 approving those projects that target communities that have  
19 34 disproportionately high rates of juvenile crime or low rates  
19 35 of high school graduation or that ~~have been designated as city~~



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~~20 1 enterprise zones that meet the distress criteria outlined in~~  
~~20 2 section 15E.194 are located in city portions included on the~~  
~~20 3 list of certified enterprise zones pursuant to section 15E.193.~~  
20 4     Sec. 15. REPEAL. Section 15E.194, Code 2011, is repealed.  
20 5     Sec. 16. EMERGENCY RULES. The department of economic  
20 6 development may adopt emergency rules under section 17A.4,  
20 7 subsection 3, and section 17A.5, subsection 2, paragraph "b",  
20 8 to implement the provisions of this Act, and the rules shall  
20 9 be effective immediately upon filing unless a later date is  
20 10 specified in the rules. Any rules adopted in accordance with  
20 11 this section shall also be published as a notice of intended  
20 12 action as provided in section 17A.4.

20 13                                   EXPLANATION

20 14     This bill relates to the administration of the enterprise  
20 15 zones program by the department of economic development.  
20 16     Currently, the entire enterprise zone program is subject to  
20 17 the maximum aggregate tax credit limitation in Code section  
20 18 15.119. The bill removes the housing-related tax credits  
20 19 available under the program from the limitation.  
20 20     The bill changes the procedure used to certify enterprise  
20 21 zones. The bill provides that each year, prior to July 1, the  
20 22 economic development board shall certify a list of counties  
20 23 and city portions that qualify as enterprise zones under  
20 24 the program. The list also includes those enterprise zones  
20 25 considered to be expiring under conditions provided in the  
20 26 bill. The list of certified enterprise zones is in effect  
20 27 each year from July 1 to the next June 30. If a county or  
20 28 city portion that qualifies one year fails to qualify for the  
20 29 next certification period, the zone is an expiring enterprise  
20 30 zone, and the bill provides that the zone expires at the  
20 31 end of the next effective certification period. Expiration  
20 32 of an enterprise zone does not preclude a county or a city  
20 33 portion from requalifying at a later time. As long as an  
20 34 enterprise zone is on the certified list, or has not expired,  
20 35 the city or county may confer incentives and assistance under



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21 1 the program to eligible businesses located in the enterprise  
21 2 zone. Incentives and assistance may not be provided after an  
21 3 enterprise zone has expired.

21 4 The bill provides that a county must be designated as an  
21 5 enterprise zone if it is ranked among the 25 poorest performing  
21 6 Iowa counties as measured by certain criteria including  
21 7 annual unemployment rate, annual average weekly wage, annual  
21 8 population growth rate, and annual poverty rate. If a county  
21 9 is certified as an enterprise zone, then all cities and  
21 10 portions thereof are also included within the enterprise zone.

21 11 A city portion must be included on the certified list if  
21 12 its qualified census tract has been designated as a qualified  
21 13 census tract for at least three years during the most recent  
21 14 five-year period. A city may have more than one city portion  
21 15 certified as an enterprise zone.

21 16 Regardless of the certification process and the normal  
21 17 eligibility requirements, the board may grant a special  
21 18 enterprise zone certification to any county that experiences  
21 19 a significant permanent reduction in employment, as defined  
21 20 in the bill. A special enterprise zone certification is  
21 21 in effect for five years commencing from the date of the  
21 22 significant permanent reduction in employment. The department  
21 23 must determine by rules the date of commencement. A business  
21 24 precipitating such a reduction in employment is not eligible  
21 25 for incentives and assistance under the ensuing enterprise zone  
21 26 certification.

21 27 The bill also provides new criteria for eligible businesses  
21 28 seeking assistance under the program. An eligible business  
21 29 must not have closed or reduced operations in one area of  
21 30 the state and relocated to the enterprise zone, must not  
21 31 be a retail business, must provide a sufficient package of  
21 32 benefits to its employees, must pay at least 90 percent of the  
21 33 qualifying wage threshold, and must create or retain at least  
21 34 10 full-time equivalent positions and maintain them for the  
21 35 period of time required by agreement with the department and



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22 1 the city or county.

22 2       The bill makes certain changes to the eligibility of  
22 3 housing businesses for assistance under the program and to the  
22 4 computation of tax credits for investment in multiple dwelling  
22 5 unit buildings or four or more single-family homes located  
22 6 in an enterprise zone. First, an eligible housing business  
22 7 under the bill includes a business that builds one multiple  
22 8 dwelling unit building containing two or more individual units  
22 9 in the upper floors of a mixed use commercial building if the  
22 10 building is 50 years or older and located in an enterprise  
22 11 zone. Second, single-family homes and dwelling units must  
22 12 comply with all applicable building code requirements and  
22 13 safety standards. Finally, if an eligible housing business is  
22 14 investing in a project involving infilling, the amount of the  
22 15 new investment used to compute the credit amount cannot exceed  
22 16 the new investment used for the first \$150,000 of value for  
22 17 each applicable housing unit.

22 18       The bill eliminates local enterprise zone commissions  
22 19 except for certain enterprise zone housing commissions. The  
22 20 bill changes the membership of such commissions. The bill  
22 21 eliminates certain hiring requirements not applicable to  
22 22 housing businesses.

22 23       Current law provides that eligible businesses may receive  
22 24 incentives and assistance for up to 10 years. The bill  
22 25 provides that such incentives and assistance are limited to  
22 26 five years.

22 27       The bill provides that all enterprise zones in existence  
22 28 prior to July 1, 2011, expire on July 1, 2012. No new  
22 29 agreements may be entered into nor new incentives or assistance  
22 30 provided after that date to businesses located in such  
22 31 enterprise zones, although the bill does provide for the  
22 32 continuing validity of agreements entered into prior to the  
22 33 expiration date. The bill provides that the enterprise zone  
22 34 program in effect prior to the effective date of the bill shall  
22 35 continue to apply to enterprise zones certified prior to the



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23 1 effective date of the bill.

23 2 The bill allows the department to adopt emergency rules for

23 3 the implementation of the bill.

LSB 1333DP (20) 84

tw/sc



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**Senate Study Bill 1117**

SENATE FILE

BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON RIELLY)

**A BILL FOR**

1 An Act relating to railroads including hit=and=run motor  
2 vehicle accidents involving a train and investigations of  
3 railroad crossing violations, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1963SC (3) 84  
dea/nh





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1 1 Section 1. Section 321.262, Code 2011, is amended to read  
1 2 as follows:  
1 3 321.262 Leaving scene of traffic accident ==== vehicle damage  
1 4 only.  
1 5 The driver of any vehicle involved in an accident resulting  
1 6 only in damage to a vehicle which is driven or attended by any  
1 7 person or to a railroad train or locomotive shall immediately  
1 8 stop such vehicle at the scene of such accident or as close  
1 9 thereto as possible but shall forthwith return to and in every  
1 10 event shall remain at the scene of such accident until the  
1 11 driver has fulfilled the requirements of section 321.263.  
1 12 Every such stop shall be made without obstructing traffic more  
1 13 than is necessary. Any person failing to stop or comply with  
1 14 said requirements under such circumstances shall be guilty of a  
1 15 misdemeanor and punished as provided in section 321.482.  
1 16 Sec. 2. Section 321.263, subsection 1, Code 2011, is amended  
1 17 to read as follows:  
1 18 1. The driver of a vehicle involved in an accident resulting  
1 19 in injury to or death of a person or damage to a vehicle  
1 20 which is driven or attended by a person or to a railroad  
1 21 train or locomotive shall give the driver's name, address,  
1 22 and the registration number of the vehicle the driver is  
1 23 driving and shall upon request and if available exhibit the  
1 24 driver's driver's license to the person struck, the driver or  
1 25 occupant of, or the person attending the vehicle, railroad  
1 26 train, or locomotive involved in the accident and shall render  
1 27 to a person injured in the accident reasonable assistance,  
1 28 including the transporting or arranging for the transporting  
1 29 of the person for medical treatment if it is apparent that  
1 30 medical treatment is necessary or if transportation for medical  
1 31 treatment is requested by the injured person.  
1 32 Sec. 3. Section 321.344A, subsection 2, unnumbered  
1 33 paragraph 1, Code 2011, is amended to read as follows:  
1 34 A peace officer ~~may~~ shall initiate an investigation not  
1 35 more than seven calendar days after receiving a report of a



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2 1 violation pursuant to this section. The peace officer may  
2 2 request that the owner of the vehicle supply information  
2 3 identifying the driver of the vehicle in accordance with  
2 4 section 321.484, or in the case of a commercial motor vehicle,  
2 5 the peace officer may request that the employer of the driver  
2 6 provide information identifying the driver of the vehicle.

2 7 Sec. 4. Section 805.8A, subsection 14, paragraph h, Code  
2 8 2011, is amended to read as follows:

2 9 h. Railroad crossing violations.

2 10 (1) For violations under sections 321.341, 321.342,  
2 11 321.343, and 321.344, ~~and 321.344B~~, the scheduled fine is two  
2 12 hundred dollars.

2 13 (2) For a violation under section 321.344B, the scheduled  
2 14 fine is three hundred dollars.

2 15 EXPLANATION

2 16 This bill addresses several issues relating to the  
2 17 interaction of motor vehicles and railroads.

2 18 The bill amends Code sections 321.262 and 321.263 to require  
2 19 that the driver of a vehicle involved in an accident resulting  
2 20 only in damage to a railroad train or locomotive must remain  
2 21 at the scene and give the driver's name, address, and vehicle  
2 22 registration number and exhibit the driver's driver's license  
2 23 upon request to the person attending the railroad train or  
2 24 locomotive. This is similar to requirements for a driver  
2 25 involved in a collision with another motor vehicle, a violation  
2 26 of which is commonly referred to as "hit=and=run". A person  
2 27 convicted of a hit=and=run is guilty of a simple misdemeanor,  
2 28 which is punishable by confinement for no more than 30 days or  
2 29 a fine of at least \$65 but not more than \$625 or by both.

2 30 The bill amends Code section 321.344A to require a peace  
2 31 officer's investigation of every reported railroad crossing  
2 32 violation by a vehicle operator. Currently, the initiation of  
2 33 an investigation is optional.

2 34 The bill amends Code section 805.8A to increase the  
2 35 scheduled fine for a railroad crossing violation by a vehicle



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3 1 operator which creates an immediate threat to the safety of  
3 2 a person or property from \$200 to \$300. All other railroad  
3 3 crossing violations remain punishable by a scheduled fine of  
3 4 \$200.

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**Senate Study Bill 1118**

SENATE FILE

BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON RIELLY)

**A BILL FOR**

1 An Act relating to coordination of construction and  
2 installation projects between the department of  
3 transportation and fiberoptic cable providers.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1134XC (7) 84  
rn/nh



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1 1 Section 1. NEW SECTION. 306.48 Highway construction  
1 2 projects ==== notice ==== collaboration.  
1 3 1. The department shall provide notice of highway  
1 4 construction projects on primary roads over which the  
1 5 department has sole or concurrent jurisdiction pursuant to  
1 6 section 306.4 which are anticipated to involve excavation which  
1 7 would be suitable for the installation of fiberoptic cable  
1 8 or conduit. The notice shall be posted on the department's  
1 9 internet site at least ninety days prior to the anticipated  
1 10 construction date.  
1 11 2. The objective of the notice shall be to facilitate a  
1 12 collaborative effort between the department and fiberoptic  
1 13 cable providers such that the mutual necessity to excavate  
1 14 dirt can be accomplished in the most minimally invasive manner  
1 15 possible. The notice shall include a map provided by the  
1 16 department, the dates by which construction is anticipated to  
1 17 commence and conclude, and departmental contact information.  
1 18 3. The department shall by rule establish procedures for the  
1 19 required coordination of highway construction and fiberoptic  
1 20 cable or conduit installation projects in instances where a  
1 21 fiberoptic cable provider responds to the notice and, in the  
1 22 department's estimation, such coordination is practicable.  
1 23 EXPLANATION  
1 24 This bill encourages the coordination of construction and  
1 25 installation projects between the department of transportation  
1 26 and fiberoptic cable providers involving excavation projects,  
1 27 and requires such coordination where practicable.  
1 28 The bill directs the department to provide notice of  
1 29 highway construction projects on primary roads over which the  
1 30 department has sole or concurrent jurisdiction, which are  
1 31 anticipated to involve excavation which would be suitable for  
1 32 the installation of fiberoptic cable or conduit. The bill  
1 33 specifies that the notice shall be provided on the department's  
1 34 internet site at least 90 days prior to the anticipated  
1 35 construction date. The bill states that the objective of the



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2 1 notice shall be to facilitate a collaborative effort between  
2 2 the department and fiberoptic cable providers such that the  
2 3 mutual necessity to excavate dirt can be accomplished in the  
2 4 most minimally invasive manner possible. The notice shall  
2 5 include a map provided by the department, the dates by which  
2 6 construction is anticipated to commence and conclude, and  
2 7 departmental contact information.  
2 8 The department is required by rule to develop procedures  
2 9 for the required coordination of highway construction and  
2 10 fiberoptic cable or conduit installation projects in instances  
2 11 where a fiberoptic cable provider responds to the notice  
2 12 and, in the department's estimation, such coordination is  
2 13 practicable.

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**Senate Study Bill 1119**

SENATE FILE

BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON RIELLY)

**A BILL FOR**

1 An Act relating to the issuance of a restricted dealer license  
2 for the sale of certain motor vehicles.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1924SC (2) 84  
dea/nh



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Senate Study Bill 1119 continued

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1 1 Section 1. Section 322.7, Code 2011, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 5. The department may issue a restricted  
1 4 motor vehicle dealer license permitting and limiting the sale  
1 5 of motor vehicles rebuilt or modified by the licensee as  
1 6 provided in section 322.29, subsection 4 or 5. An applicant  
1 7 for a restricted license shall submit a general plan pursuant  
1 8 to section 322.4, subsection 1, paragraph "f", detailing the  
1 9 limited purpose for which the applicant desires to be licensed  
1 10 and the proposed method of doing business. The license shall  
1 11 be restricted to sales of new motor vehicles of the make and  
1 12 model rebuilt as provided in section 322.29, subsection 4,  
1 13 or on which equipment is installed as provided in section  
1 14 322.29, subsection 5, without written authorization from the  
1 15 manufacturer.

1 16 EXPLANATION

1 17 This bill authorizes the department of transportation to  
1 18 issue a restricted motor vehicle dealer license to a person who  
1 19 rebuilds new completed motor vehicles by fabricating, altering,  
1 20 adding, or replacing essential parts, components, or equipment  
1 21 for the purpose of building an ambulance, rescue vehicle, fire  
1 22 vehicle, or towing or recovery vehicle, or to a person who  
1 23 installs cranes, hook loaders, buckets, aerial ladders, tanks,  
1 24 or special equipment on new, completed motor trucks with a  
1 25 gross vehicle weight rating of 14,500 pounds or more. The  
1 26 license is restricted to sales of new motor vehicles of the  
1 27 make and model rebuilt or on which the equipment is installed  
1 28 without written authorization from the original manufacturer.

1 29 The bill requires an applicant for a restricted license  
1 30 to submit a general plan with the application for licensure  
1 31 detailing the proposed use of the license and the business plan  
1 32 the person intends to follow. The issuance of a restricted  
1 33 license is at the discretion of the department under the bill.

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